

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

840330-4

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #483-32

RECEIVED FOR FILING

MAR 30 4 03 PM '84

ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

APR 20 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

APR 20 1984

At 3:58 o'clock P.M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Angie Teixeira, Regulations Analyst

TELEPHONE

323-0884

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 63-503.4 and .41

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☒ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 3, 1983

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Renumber Sections 63-503.4 and .41 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT
LEVELS (Continued)

63-503

.4 Households with Special Circumstances (Continued)

.43 Destitute Households

Migrant or seasonal farmworker households may have little or no income at the time of application and may be in need of immediate food assistance, even though they receive income at some other time during the month of application. The following procedures shall be used to determine when migrant or seasonal farmworker households in these circumstances may be considered destitute and, therefore, entitled to expedited service and special income calculation procedures. Households other than migrant or seasonal farmworker households shall not be classified as destitute.

- .431 Migrant or seasonal farmworker households whose only income for the month of application was received prior to the date of application, and was from a terminated source, shall be considered destitute households and shall be provided expedited service.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10553 and 18904.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1083-66

FILED
In the office of the Secretary of State
of the State of California

APR 20 1984
At 3:58 o'clock P.M.
MARCH FONG EU, Secretary of State
By Margaret Hershberger
Deputy Secretary of State

ENDORSED
APPROVED FOR FILING
APR 20 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: Linda S. Nickerson
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Jerry Demorest, Regulations Analyst

TELEPHONE
(916) 323-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED
Title: 22 MPP Sections 44-203, 44-205, 44-209
SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☒ Final Modifications and
Certificate of Compliance

Other Regulatory Actions:

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(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

45 Day Notice: 12/2/83
15 Day Renote: 3/16/84

b. DATE OF ADOPTION OF REGULATION(S)

March 23, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

March 16, 1984 to March 30, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
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- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on December 27, 1984, and which became effective on January 1, 1984. ³

Manual of Policy and Procedures, Division 40, Chapter 44-200, Sections:

Amended

44-203.21
44-205.1
44-205.21, et seq.
44-205.23
44-209.22, et seq.
44-209.31

These regulations were presented at public hearing on January 30, 1984. As a result of the public hearing the following sections have been changed.

Amended

44-205.23

Adopted

Handbook Section
44-205.212(a)



LINDA S. McMAHON
Director

3/23/84

Date

UPDATED INFORMATIVE DIGEST

Zapata v. Woods

The "informative digest" presented in the Department's notice of the January 30, 1984 Public Hearing of these revisions (Item #2) continues to apply without the need for updating because the final modifications proposed by the Department consist only of minor editorial corrections which do not change the meaning of the Zapata v. Woods (Prospective) regulatory revisions. Subject digest is reprinted herein for information only.

INFORMATIVE DIGEST: These revisions implement "prospective" features of the April 18, 1981 Los Angeles County Superior Court order in the case entitled Zapata v. Woods where the Department was permanently enjoined from denying or terminating Aid to Families with Dependent Children (AFDC) to "needy relatives" for the sole reason that the only dependent child in the family unit was receiving SSI/SSP. Under existing AFDC regulations at least one eligible child (or pregnant woman) must be present in the family unit in order to establish an eligible AFDC-Family Budget Unit (FBU) and to aid "needy relatives" living with the child. Subject revisions amend AFDC FBU Composition rules to provide that an FBU can be established which includes only eligible relatives of an otherwise eligible child who receives SSI/SSP and amends certain specified AFDC claiming rules to provide for federal participation in the assistance granted to the "needy relatives" in these cases.

FINAL STATEMENT OF REASONS

a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

On April 20, 1981 the Los Angeles Superior Court issued a judgment which permanently enjoined the Department from enforcing or implementing Welfare and Institutions Code Section 11203 and EAS Sections 44-205 and 44-206 insofar as they deny Aid to Families with Dependent Children (AFDC) benefits to "needy relatives" based solely on the grounds that all dependent children in the family unit are receiving Supplemental Security Income (SSI). The judgment was stayed while the Department's appeal was pending.

On October 3, 1983 the United States Supreme Court refused to hear the Department's appeal of the judgment. On November 28, 1983, the Department issued All-County Letter No. 83-124 (see Rulemaking file, Exhibit M) instructing the counties to apply the Order to all applications received on or after December 1, 1983 and to continuing cases on an ongoing basis.

Proposed amendments in Sections 44-203, 44-205, and 44-209 carry out the "prospective" effects of the Zapata v. Woods court order so that from now on "needy relative" applicants will not be denied assistance based on the exclusive nature of current regulations. A separate set of proposed amendments is being developed for adoption by the Department, which will implement the "retroactive payment" provisions of the Zapata v. Woods judgment.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations are Necessary

The specific purpose of all the proposed revisions is to conform existing AFDC regulations with the Zapata v. Woods court order and enable the implementation of the "prospective" provisions of this court order in a uniform, timely manner.

- 1) Amend Section 44-203.21: This revision is necessary to expand the scope of persons who may be included in the FBU to add caretaker relatives in the home responsible for the care and control of an otherwise eligible child who receives SSI/SSP.

- 2) Amend Section 44-205.1: This revision is necessary to clarify that for the purposes of this section, AFDC may be requested solely for the "needy relatives" of an otherwise eligible child who is receiving SSI/SSP.
- 3) Amend Section 44-205.21: This revision is necessary to clarify that for purposes of this section, aid can be requested solely for the "needy relatives" of an otherwise eligible child who is receiving SSI/SSP.
- 4) Amend Section 44-205.23: This revision is necessary to permit the establishment of an AFDC-FBU when a child who receives SSI/SSP is in the family unit but is excluded from AFDC solely because he/she receives SSI/SSP.
- 5) Amend Section 44-209.2: These revisions are necessary to clarify that the federally eligible adult relatives specified in this section would remain federally eligible provided they reside with an otherwise eligible child who is receiving SSI/SSP.
- 6) Amend Section 44-209.3: This revision is necessary to expand the definition of "essential persons" to include certain specified persons who reside with and are related to a child who is otherwise eligible but is receiving SSI/SSP.

Final Modifications

- 7) Adopt Handbook Section 44-205.212(a): This handbook provision is necessary to alert users of this section to directly related DSS instructions which were applicable for the month of December, 1983 (transitional month for implementing Zapata v. Woods court order).
- 8) Modify proposed Section 44-205.23: In response to LA DPSS testimony, the text of this regulation was revised without changing the intended meaning, to improve its precision and reduce any potential for misinterpretation. LA DPSS contended that the proposed language could be interpreted to provide that an assistance unit which includes a child who receives SSI/SSP and other eligible children, the SSI/SSP child would be the only child considered as the basis for establishing the AFDC-FBU. In the final modifications, the qualifying phrase "... the only otherwise eligible child in the home" was added to clarify that this provision applies only to households where there

are no eligible children except an otherwise eligible child who receives SSI/SSP.

c) Identification of Documents Upon Which Department is Relying

- 1) Zapata v. Woods, 137 Cal, App 3rd 858 (1982) (Order for Los Angeles Superior Court entered April 18, 1981; Nos. CA 000 476 and CA 000 548.
- 2) U.S. Department of Health, Education and Welfare (DHEW) Action Transmittal; AT 77-45 (April 22, 1977)
- 3) DHEW Action Transmittal; SRS-AT-76-34 (February 24, 1976)
- 4) DSS All-County Letter No. 83-124 (November 28, 1983)
- 5) DSS All-County Letter No. 84-25 (February 14, 1984)

d) Testimony Summary and Response

45-Day Notice:

A public hearing of the proposed revisions was conducted by the Department in Sacramento, California on January 30, 1984. No oral testimony was presented at the public hearing, however, written comments were received from the Butte County Department of Social Welfare (BU DSW) and from the County of Los Angeles Department of Public Social Services (LA DPSS). A summary of each comment made regarding the proposed regulations together with the Department's response is provided below.

- (1) Effective Date: BU DSW contended the only authority counties have for implementing Zapata v. Woods prospective provisions effective December 1, 1984, was All-County Letter 83-124, because the Zapata v. Woods "retroactive" provisions (ORD #1283-78) covered the period from January 27, 1975 through November 30, 1983, while the Zapata v. Woods "prospective" provisions (ORD #1083-66) did not take effect until January 1, 1984. Testifier suggested that the ORD #1083-66 ("prospective") package effective date be changed to December 1, 1983 to put into regulations the authority for cases aided in December, 1983. DSS Response: The Department's position remains that DSS All-County Letter 83-124 issued November 28, 1983 provides both the basis for compliance with this court order and the authority for counties to implement the prospective effects of this court order for cases aided in December 1983. To clarify the Department's intent, a handbook provision has been adopted in Section 44-205.212 which

provides that DSS All-County Letter No. 83-124 instructs counties to implement the Zapata v. Woods court order effective December 1, 1983. Finally, DSS All-County Letter No. 84-25 issued February 14, 1984 (see rulemaking file, exhibit c) informed the counties to extend the period of retroactive payments through January 31, 1984 instead of to November 30, 1983.

- (2) Section 44-205.23: LA DPSS recommended changing "shall" in line three to "may" in order to emphasize that the exception presented in this section was permissive. Because the Department was uncertain as to the intent of this testimony, we contacted this testifier for clarification. LA DPSS stated that the way 44-205.23 is written, it appears that the SSI child would be the only child considered as a basis for establishing the FBU even though there may be other eligible children in the home. DSS Response: The Department agrees that Section 44-205.23 is unclear and we have revised this section to improve its precision and clarity (see part b, item 8).

15-Day Renotice:

In accordance with Government Code Section 11346.5(a)(11), the Department published a 15-day renotification on March 16, 1984 to enable interested public to review and respond to the final modifications made to the text of the regulations presented at the January 30, 1984 public hearing. No public testimony was received by the Department in response to this 15-day renotice.

e) Local Mandate Statement

These regulations impose mandates on local agencies but not on any school districts. However, there are no state mandated local costs in this order that require reimbursement under Section 2231 of the Revenue and Taxation Code because these regulations implement court mandated changes.

f) Statement of Potential Cost Impact on Public Agencies, Private Persons, or Entities Directly Affected

The Department of Social Services finds that there is no cost impact on public agencies, private persons, or entities directly affected.

g) Small Business Impact Statement

The Department of Social Services finds that the adoption of these regulations will not have a significant adverse economic impact on small businesses.

h) 15-Day Renotice Statement

The following regulations which were presented at the Department's January 30, 1984 public hearing (Item 2) have been modified prior to final adoption in response to public testimony. Subject modifications have been described and explained in this Final Statement of Reasons under part (d). 15-day renotification of the subject modifications was published in the California Administrative Notice Register on March 6, 1984. Subject modifications were made available to the public for the period from March 16, 1984 through March 30, 1984.

Final Modifications

MPP Sections: 44-205.23

[Also, adopt Handbook note to Section 44-205.212]

ORD #1083-66
Final Modifications

(3FM) Adopt MPP Handbook Section 44-205.212(a) to read:

44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION (Continued)44-205

.2 Establishing the FBU

.21 (Continued

.212 An FBU without a child can be established when the only otherwise eligible child(ren) is receiving SSI/SSP. (See Section 44-205.23.)

HANDBOOK

(a) Department of Social Services-All-County Letter No. 83-124 (issued November 27, 1983) instructed counties to apply the Zapata vs. Woods court order to all applications received on or after December 1, 1983 and to continuing cases on an ongoing basis.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Zapata v. Woods 137 Cal, App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548).

(4FM) Amend MPP Section 44-205.23 to read:

44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION (Continued)44-205

.2 Establishing the FBU (Continued)

.23 Every FBU shall include at least one eligible child or pregnant woman with the following exception: a child who when the only otherwise eligible child in the home must be excluded pursuant to Section 44-206.1(a), that child shall be considered the basis for establishing an FBU for the needy relative(s) when the child meets the criteria specified in Section 44-203.1. The FBU shall also include the following persons living in the home:

- .231 The natural or adoptive parent who is the caretaker relative of the child(ren); and
- .232 The eligible child's second married or unmarried natural or adoptive parent.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Zapata v. Woods 137 Cal, App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548).

ORD #1083-66
Emergency Revisions
Effective 1/1/84
[DSS Manual Letter No. 84-06]

RECEIVED FOR FILING

DEC 19 12 41 PM '83

ENDORSED

APPROPRIATE FOR FILING

DEC 27 1983

OFFICE OF ADMINISTRATIVE LAW

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: Terrell S. McKeel
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

ORD
FILED

In the office of the Secretary of State
of the State of California

DEC 27 1983

At 5:00 o'clock P.M.

MARCH LUNG EU, Secretary of State

By: Michael Hill
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest, Regulations Analyst

TELEPHONE

(916) 373-0551

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP Sections 44-203, 44-205, and 44-209

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

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☒ No

☐ Yes, if yes give date of previous filing

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☒ No

☐ Yes

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(Include FPPC Approval Stamp)

☒ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

December 16, 1983

b. DATE OF ADOPTION OF REGULATION(S)

December 9, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.2(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☒ Effective on January 1, 1984 as required by statutes: (list) Government Code Section 11346.2(d)

c. ☐ Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d))

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date later than 30 days after filing with the Secretary of
State.)

(1) Amend MPP Section 44-203.21 to read:

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU (Continued) 44-203

•2 Caretaker Relatives (Continued)

- 21 A caretaker relative is the person in the home responsible for care and control of an eligible child or an otherwise eligible child(ren) who is receiving SSI/SSP (see Section 44-203.115 above).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Zapata v. Woods 137 Cal, App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548).

(2) Amend MPP Section 44-205.1 to read:

44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION

44-205

.1 General

When AFDC is requested for a child, or for the needy relative(s) of an otherwise eligible child(ren) who is receiving SSI/SSP, the determination of who is included in the FBU is made by the county and the caretaker relative of the child.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Zapata v. Woods 137 Cal, App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548).

(3) Amend MPP Section 44-205.21 to read:

44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION (Continued)44-205

.2 Establishing the FBU

.21 When an applicant for AFDC submits the Form CA 2, it includes the names of all children for whom aid is being requested. The first step in establishing the FBU is to determine the caretaker relative(s) of the children for whom aid is requested or of an otherwise eligible child(ren) who is receiving SSI/SSP. It is necessary to identify the caretaker relative(s) in order to determine if there will be one or more FBU's (see Section 44-203.21 Definition of Caretaker Relative, above).

.211 Generally, if the child is living with a parent, the parent is the caretaker relative. If the child is not living with a parent, generally the applicant will be the caretaker relative. The county must make a determination of what person or persons have responsibility for the care and control of the children for whom aid is requested based on information supplied by the applicant.

.212 An FBU without a child can be established when the only otherwise eligible child(ren) is receiving SSI/SSP. (See Section 44-205.23.)

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Zapata v. Woods 137 Cal, App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1982, Nos CA 000 476 and CA 000 548).

(4) Amend MPP Section 44-205.23 to read:

44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION (Continued) 44-205

.2 Establishing the FBU (Continued)

.23 Every FBU ~~must~~ shall include at least one eligible child or pregnant woman with the following exception: a child who must be excluded pursuant to Section 44-206.1(a) shall be the basis for establishing an FBU for the needy relative(s) when the child meets the criteria specified in Section 44-203.1. The FBU shall also include the following persons living in the home:

.231 The natural or adoptive parent who is the caretaker, relative of the child(ren); and

.232 The eligible child's second married or unmarried natural or adoptive parent.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Zapata v. Woods 137 Cal. App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548).

(5) Amend MPP Section 44-209.22 to read:

44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF
FINANCIAL PARTICIPATION (Continued)

44-209

.2 Federally Eligible Persons (Continued)

.22 Adults

- .221 The caretaker relative of any federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.
- .222 The second parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above, when the deprivation of at least one child is the incapacity or unemployment of a parent who meets federal eligibility conditions as specified in Section 41-440.4.
- .223 The spouse of an incapacitated caretaker relative when the caretaker relative is a parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553, 10554, 10600, and 10604; and Zapata v. Woods 137 Cal. App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548); 45 CFR Sections 233.10(a) and (b).

(6) Amend MPP Section 44-209.31 to read:

44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF
FINANCIAL PARTICIPATION (Continued)

44-209

.3 Essential Persons

- .31 An essential person is a person described in .32 below who is not a federally eligible person and who is related to a child determined to be federally eligible under .21 above, or to a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553, 10554, 10600, and 10604; and Zapata v. Woods 137 Cal. App 3rd 958 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548); 45 CFR Sections 233.10(a) and (b).

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1183-73

840 406 -4

RECEIVED FOR FILING

APR 6 2 55 PM '84

ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

APR 20 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED, AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

APR 20 1984

At 3:58 o'clock P.M.

MARCH FONG EU, Secretary of State

By:

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer, Regulations Analyst

TELEPHONE

323-0885

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 MPP 45-201.42; 45-203.632

SECTIONS ADOPTED

SECTIONS REPEALED

MPP 45-101.1(gg); 45-101.1(kk); 45-201.45; 45-203.64

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☒ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER

December 30, 1983

b. DATE OF ADOPTION OF REGULATION(S)

March 30, 1984

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☒ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on December 22, 1983, and which became effective on January 1, 1984.

MPP Sections 45-101.1(gg) and (kk); 45-201.42 and .45; 45-203.632 and .64.

No amendments or repealers resulted from the public hearing held on February 14, 1984.



LINDA S. MCMAHON
Director

March 30, 1984
Date

Repeal MPP Section 45-101.1(gg) to read:

45-101 DEFINITIONS (Continued)

45-101

.1 (Continued)

(gg) Qualified Mental Health Professional means a person who has had training and/or supervised professional experience in working with children or adolescents in a mental health setting, is not currently employed by a county welfare department and is also one of the following: psychiatrist, psychologist, marriage, family and child counselor, clinical social worker, social worker with a master's degree, or a psychiatric public health nurse.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11404.2.

Repeal MPP Section 45-101.1(kk) to read:

45-101 DEFINITIONS (Continued)

45-101

.1 (Continued)

{kk} Severely Emotionally Disturbed Child means a child with serious impairment in the development of his or her personality as the result of a mental disorder which prevents the child from functioning in his or her own home environment at least temporarily.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11404.2 and 10554.

Amend Section 45-201.42 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

.4 (Continued)

- .42 Except for a child living with his or her nonrelated legal guardian, periodic reviews shall be conducted on behalf of the child no less frequently than once every six months from the date of placement into foster care. For severely emotionally disturbed children placed voluntarily pursuant to Welfare and Institutions Code Section 11401.1(c), see Section 45-203.643.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11401.1 and 10554.

Repeal Section 45-201.45 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

•4 (Continued)

•45 In the case of a severely emotionally disturbed child placed voluntarily in accordance with EAS 45-203•64, the county welfare department shall also provide the services specified in EAS 45-203•643 and, •644•

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11401.1.

Amend Section 45-203.632 to read:

45-203 STATE AFDC-FC PROGRAM (Continued)

45-203

.6 Special Provisions (Continued)

.63 Children in Voluntary Placement (Continued)

.632 Time Limitations

Except as provided in (a), (b), and (c) and ~~(d)~~ below, AFDC-FC funding for voluntarily placed children shall be available for a maximum of six months for each child provided all other eligibility requirements continue to be met. The six months need not be one continuous voluntary placement. If more than one placement occurs, the aggregate AFDC-FC payments for all the voluntary placements of the same child shall not exceed a total of six months.

- (a) If placed voluntarily prior to January 1, 1981, the child shall be eligible for AFDC-FC payments provided all other eligibility requirements continue to be met.
- (b) If placed voluntarily on or after January 1, 1981 and before January 1, 1982, the child may continue to receive AFDC-FC payments until January 1, 1982, provided all other eligibility requirements continue to be met. After January 1, 1982, the provisions of .632 above shall apply.
- ~~(c)~~ Beginning on January 1, 1982 the six-month limit shall not apply to a severely emotionally disturbed child who meets the requirements of ~~r64~~
- ~~(d)~~(c) If the authority for placement changes from a voluntary placement to another authority for placement specified in Sections 45-202.4 or 45-203.31, the six-month time limitation no longer applies.

Authority: Welfare and Institutions Code Sections 10553, 10554,
and 11209.

Reference: Welfare and Institutions Code Section 11401.1 and
10554.

Repeal Section 45-203.64.

45-203 STATE AFDC--FC PROGRAM (Continued)

45-203

.6 Special Provisions (Continued)

.64 Special Requirements for Severely Emotionally Disturbed Children in Voluntary Placement

- .641 The six-month limit shall not apply to payments for a child when all of the criteria of Welfare and Institutions Code Section 11401.1(c) are met.

Welfare and Institutions Code Section 11401.1(c) states:

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- (1) The county welfare department has received a mental health assessment by a qualified mental health professional which:
 - (A) Documents that all appropriate efforts were made to treat the child while living in his or her home in an attempt to keep the family together prior to the child being voluntarily placed.
 - (B) Indicates the need for placement in a 24-hour setting.
- (2) The child requires placement due to severe emotional disturbance and who receives appropriate treatment for the emotional disturbance while in placement.
- (3) The child is not determined to be abused, neglected, or exploited pursuant to Welfare and Institutions Code Section 300.
- (4) The child's parent or guardian cooperates with:
 - (A) The county welfare department in the provision of services specified in Welfare and Institutions Code Section 11404.2.

(For services requirements of Welfare and Institutions Code Section 11404.2, see EAS 45-201.4 and 45-203.644.)

REPEAL

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(B) The county mental health department or a qualified mental health professional in arranging for the child's treatment.

(C) The treatment program of the facility in which the child is placed.

.642 The mental health assessment required by Welfare and Institutions Code Section 11401.1(c) shall be written and retained in the service case record.

.643 A severely emotionally disturbed child placed voluntarily in accordance with EAS 45-203.64 shall receive an administrative review in accordance with Welfare and Institutions Code Section 11401.3(a). This review shall be accomplished in accordance with MPP 30-500.

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Welfare and Institutions Code Section 11401.3(a) states in part:

Beginning July 1, 1982, every child in voluntary placement pursuant to subdivision (c) of Section 11401.1, shall receive a periodic administrative review no less frequently than once every six months in order to determine the continuing necessity for and appropriateness of the child's placement, the extent of compliance with the case plan, and the adequacy of the services provided to the child.

1. If the administrative review panel recommends termination of the child's voluntary placement, the child shall not continue to be eligible for AFDC-FC payments unless another authority for placement is established and the child is otherwise eligible.

.644 The county welfare department shall be responsible for performing the duties required by Welfare and Institutions Code Section 11404.2.

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Welfare and Institutions Code Section 11404.2 states in part:

In the case of a child who has been found by a qualified mental health professional to be severely emotionally disturbed and is in placement pursuant to subdivision (c) of Section 11401.1, the county welfare department shall be responsible for developing and shall encourage the county mental

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health department or a qualified mental health professional to assist in developing the written assessment and the service plan, as well as all updates to the written assessment or the service plan, which are required pursuant to subdivision (b) of Section 11404. If the county mental health department or the qualified mental health professional continues to recommend out-of-home placement for the child, then the county mental health department or a qualified mental health professional shall cooperate with the responsible agency in development of the written assessment and the service plan, as well as all updates to the written assessment and the service plan, and in arranging for the treatment services identified in the service plan.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11401.1, 11404.2, and 10554.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD # 184-1

840410-1

RECEIVED FOR FILING

APR 10 4 52 PM '84

ADMINISTRATIVE LAW

ENDORSED

APPROVED FOR FILING

APR 20 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY: Linda S. McKeeshon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

APR 20 1984

At 3:58 o'clock P.M.

MARCH FONG EU, Secretary of State

By Mayne Hershberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Rick Torres, Regulations Analyst

TELEPHONE

5-0313/3-0883

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 30-186

SECTIONS ADOPTED

30-109.1, .11, .12, .13, .14, and .15

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

NA

b. DATE OF ADOPTION OF REGULATION(S)

April 3, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

NA

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

Upon filing with the

c. ☒ Effective on Secretary of State (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

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- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

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b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

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- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Adopt Chapter Heading and Sections 30-109.1 through .15.

30-109 INDIAN CHILD WELFARE ACT
PROVISIONS

30-109

.1 Where Dependency Petitions are initiated by social service staff on behalf of Indian children, there shall be:

.11 Identification that the child is Indian. The worker shall obtain all available information from the child's parent(s), extended family, or Indian custodian regarding the Indian ancestry of a child to determine if all the criteria of Sections 30-022(o), (o)(1), (o)(4), and (o)(8) are met. If there is evidence of Indian ancestry, Form SOC 318 and a copy of the child's birth certificate shall be submitted by the placement agency to the Bureau of Indian Affairs (BIA) for confirmation of tribal enrollment/eligibility.

(a) Once it is determined that provisions of the Act apply to a given child, procedures under the Act shall be followed.

(b) If it is determined that the provisions of the Act do not apply to a given child, the worker shall follow the appropriate procedures outlined in Sections 30-100 and 30-200, et seq.

(c) If a determination has not or can not be made at the time of the court appearance, the court shall be advised of information which indicates the child may be an Indian child and the worker shall request direction from the court on how to proceed.

.12 Notice given to the Indian child's parent(s) or Indian custodian(s) and the child's tribe(s), by registered mail with return receipt requested, of the pending proceedings and their right to intervene at any point in the proceedings. This notice shall be made on Form SOC 319 and shall be made within 72 hours of the date that the Dependency Petition was filed, but shall be made no later than 10 days prior to the hearing date.

.13 Notice given to the Secretary of the Interior by registered mail, return receipt requested, when the identity or location of the parent(s), Indian custodian(s) or tribe cannot be determined within the 72-hour requirement. (Mailing

address for the Secretary: Sacramento Area Office, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.) The worker shall continue to make efforts to identify the Indian child's parent(s), Indian custodian(s) and/or tribe and shall notify the clerk of the court that notice has been given to the BIA.

The notice shall include the following information if known:

- (a) Name of the Indian child, birthdate, and birthplace.
- (b) Indian child's tribal affiliation.
- (c) Name(s) of Indian child's parent(s) or Indian custodian(s).
- (d) A copy of the petition, complaint, or other document by which the proceeding was initiated.

.14 Documentation that efforts have been made to provide services and rehabilitative programs designed to prevent the breakup of the Indian family, and that such efforts were unsuccessful. It shall not be necessary to show such efforts have been made in emergency situations prior to temporary removal from the home where it is determined that, even with reasonable services being provided, such removal is essential to protect the child from serious physical or emotional damage. Efforts to provide services shall be made subsequent to such emergency removal. Where an emergency situation exists and it has been determined that an Indian child must be temporarily removed from the home, the worker shall make efforts to place the child in an Indian home, and shall notify the appropriate Indian tribal entity of the removal in order to solicit tribal assistance and support in the placement of the child.

.15 Presentation to the court of clear and convincing evidence, by qualified expert witnesses in addition to testimony of county welfare staff involved in the dependency action, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Where the county welfare department provides the expert witness, the witness shall:

- (a) Be knowledgeable in the area of the social and cultural standards of the Indian tribe of which the child is a member or eligible for membership, and be capable of objectively reviewing the case.

(b) Not be the caseworker who initiated the dependency action.

Authority: Welfare and Institutions Code Section 10554.

Reference: 25 USC, 1912 (Indian Child Welfare Act of 1978).

Amend Chapter Heading and Section 30-186.1 to read:

30-186 ADDITIONAL REQUIREMENTS FOR THE APPLICATION OF 30-186
THE INDIAN CHILD WELFARE ACT (ICWA)

- .1 In addition to meeting the general requirements specified in this chapter, the county welfare department shall ensure that applicable provisions of Sections 30-109 and 30-368 are met when a petition for continued detention is filed by the social worker on behalf of an Indian child.

Authority: Welfare and Institutions Code Section 10554.

Reference: 25 USC 1916(b), (Indian Child Welfare Act of 1978).

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1083-62

84-0321-4

RECEIVED FOR FILING

MAR 21 3 01 PM '84

ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

APR 20 1984

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McKeen

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

APR 20 1984

At 3:58 o'clock P.M.

MARCH FONG EU, Secretary of State

By

Majorie Newburger
Deputy Secretary of State

LEAVE BLANK

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Merry Benard, Regulations Analyst

TELEPHONE

2-1315/5-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 30-132.2-.23; 30-132.3 and .31

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☒ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☒ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

December 16, 1983

b. DATE OF ADOPTION OF REGULATION(S)

March 15, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on filing with SOS (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on November 25, 198~~3~~³, and which became effective on November 25, 198~~3~~³.

Manual of Policy and Procedures, Division 30, Chapter 100, Sections:

Amended

30-132.3 through .23
30-132.3
30-132.31

No amendments or repealers resulted from the public hearing held on January 30, 1984.



LINDA S. MCMAHON
Director

3/15/84
Date

Amend Sections 30-132.2 through .22 to read:

30-132 RESPONSE TO REQUESTS AND REFERRALS (Continued) 30-132

.2 Emergency response staff shall immediately review all requests or referrals to determine the time frame within which initial response is required, as specified in .21 through ~~22~~ .23 below.

.21 Response shall be initiated within two hours made immediately under either of the following circumstances:

.211 A law enforcement agency requests emergency response, unless the situation described meets the definition of "general neglect" specified in Penal Code Section 11165(c)(2).

(a) This statute defines "general neglect" as follows:

(1) The negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter or supervision where no physical injury to the child has occurred.

.212 The request or referral involves an allegation of abuse, neglect, or exploitation, except as specified in 22 below indicates the existence of a situation which is likely to imminently cause physical pain, injury, disability, severe emotional harm, or death to a child.

.22 Response shall be made within three calendar days under either of the following circumstances:

.221 A law enforcement agency requests response on a nonemergency basis, unless the situation meets the definition of "general neglect" specified in Penal Code Section 11165(c)(2).

.222 The request or referral involves any type of allegation of abuse, neglect, or exploitation not specified in .21 above or .23 below.

~~22.23~~ Response shall be made within five ten calendar days in situations to requests or referrals involving an

allegation of only "general neglect" as defined in Penal Code Section 11165(c)(2).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 16501.1 and 16504.

Amend Sections 30-132.3 and .31 to read:

30-132 RESPONSE TO REQUESTS AND REFERRALS

30-132

.3 Upon the county welfare department's receipt of the request or referral, a social worker skilled in emergency response shall have immediate, face-to-face contact with all children and available parent(s)/guardian(s) in situations requiring two-hour immediate response.

.31 Such face-to-face contact shall be made within three calendar days in the situations specified in .22 through .222 above; and within five ten calendar days in situations involving allegations of "general neglect."

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 16501.1 and 16504.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

840321-5

ORD 683-45

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

MAR 21 3 51 PM '84

ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

APR 24 1984

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED, AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

APR 24 1984

At 3:37 o'clock P.M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Jerry Demorest, Regulations Analyst

TELEPHONE
916-323-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: SECTIONS AMENDED Manual of Policies and Procedures Sections 41-400.24; 41-441.11;
42-630.9; 42-639; 42-645.21; 42-652.2
SECTIONS ADOPTED
Manual of Policies and Procedures Sections 42-630.11; 42-641
SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
Other Regulatory Actions:
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

45 day/November 4, 1983
15 day/February 17, 1984

b. DATE OF ADOPTION OF REGULATION(S)

March 7, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

February 17, 1984 through
March 2, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on _____ as required by statutes: (list) _____
c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
☐ Request Attached
d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

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- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

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b. Provide the date on which the regulatory agency adopted the regulation(s).

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Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(1FM) Amend MPP Section 41-440.24 introductory paragraph to read:

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued) 41-440

.2 Requirement to be Met in Order to Establish Deprivation Due to Unemployment (Continued)

- .24 The federally eligible AFDC-U parent principal earner shall be registered with the Employment Development Department unless exempt under Section 42-630.3, .4, .5, .7, .8, .9, or .10. The nonfederally eligible AFDC-U parent principal earner shall be registered with EDD-ES unless exempt under Sections 42-630.3, .4, or .5.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11201 and 11310; ~~Government Code Section 11349.1;~~ and 45 CFR 233.100

(2FM) Amend MPP Section 41-441.11 to read:

41-441 PROCEDURES FOR REFERRAL TO AND COMMUNICATIONS
WITH EDD-ES

41-441

.1 Referrals to EDD-ES (Continued)

- .11 All AFBE-U parents principal earners not required to register for WIN shall ~~are required to be registered~~ for EDD-ES as a condition of eligibility unless exempt from WIN under Section 42-630.3, .4, .5, .7, .8, ~~.9~~, .10. (See Section 41-440.24.) The procedures and provisions in Sections 41-441 and 41-442 are not applicable to the exempt AFBE-U parent principal earner.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11201 and 11310; ~~Government Code Section 11349.1~~ and 45 CFR 233.100.

(3FM) Amend MPP Section 42-630.9 to read:

42-630 EXEMPTIONS SUMMARIZED (Continued)

42-630

An individual is exempt from registration when he/she is:

- 9 The caretaker parent or other caretaker relative of a child who is deprived of parental support or care due to the death, continued absence from the home, or physical or mental incapacity of a parent, when ~~one parent~~ another adult relative in the home assistance unit is WIN registered and has not refused to participate in the program WIN or to accept employment without good cause (Code 09).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11310 and 45 CFR 224.20(b)(9).

(4FM) Adopt MPP Section 42-630.11 to read:

42-630 EXEMPTIONS SUMMARIZED (Continued)

42-630

An individual is exempt from registration when he/she is:
(Continued)

- .11 The parent of a child who is deprived of parental support or care due to the unemployment of the principal earner, when the principal earner is not exempt under one of the other exemptions in this section (Code 11).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11310; 45 CFR 224.20(b)(11) and 45 CFR 233.100.

(5FM) Amend MPP Section 42-639 to read:

42-639 EXEMPTION BASED ON FATHER'S THE WIN REGISTRATION 42-639
OF ANOTHER INDIVIDUAL IN HOUSEHOLD (CODE 09)

.1 The Exemption

The caretaker parent or other caretaker relative of a child who is deprived of parental support or care due to the death, continued absence from the home, or physical or mental incapacity of a parent, is exempt when one parent another adult relative in the home assistance unit is WIN registered and has not refused to participate in WIN or to accept employment without good cause (Code 09).

*11 When one parent is deregistered from WIN for any reason the other caretaker parent or other caretaker relative is not exempt under this exemption.

*12 If the AFDC-U parent is exempt from WIN the other parent or other parent or other caretaker is not exempted under this exemption.

.2 Documentation

This exemption is documented by a copy of the completed MA 5-95 showing the WIN registration of one parent, the adult relative.

.3 Review

Review this exemption:

.31 At the time of a deregistration of the registered parent adult relative for any reason (e.g., the registered parent relative leaves the home, the registered parent's relative's status changes to exempt, the registered parent relative becomes incapacitated); and

.32 At the annual reinvestigation.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11310 and 45 CFR 224.20(b)(9).

(6FM) Adopt MPP Section 42-641 to read:

42-641 EXEMPTION BASED ON WIN REGISTRATION
OF THE PRINCIPAL EARNER (CODE 11)

42-641

.1 The Exemption

The parent of a child who is deprived of parental support or care due to the unemployment of the principal earner, is exempt when the principal earner is not exempt under one of the other WIN exemptions (Code 11).

.2 Documentation

This exemption is documented by a copy of the completed MA 5-95 showing the WIN registration of the principal earner.

.3 Review

Review this exemption:

.31 At the time of a deregistration of the principal earner for any reason; and

.32 At the annual reinvestigation.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11310; 45 CFR 224.20(b)(11) and 45 CFR 233.100.

(7FM) Amend Section 42-645.21 to read:

42-645 WIN IN RELATION TO OTHER ELIGIBILITY
FACTORS (Continued)

42-645

.2 Relationship of WIN Registration to Deprivation Due to
Unemployment (Continued)

- .21 An AFBE-H parent can principal earner may be exempt from
WIN registration, the same as any other individual.

However, such a parent the principal earner who is exempt
from WIN registration under Section 42-630.1, .2, or .6
shall is required to register with EDD-ES as an AFBE-H
parent unless exempt under Section 42-630.3, 4, 5, 7,
8, 9, or 10. If exempt for other reasons, the
principal earner is not required to register with WIN or
EDD-ES. (See Section 41-440.24.)

Authority: Welfare and Institutions Code Sections 10553 and
10554.

Reference: Welfare and Institutions Code Sections 11201 and
11310; ~~Government Code Section 11349.1~~ and 45 CFR
233.100.

(8FM) Amend MPP Section 42-652.2 to read:

42-652 NOTIFICATION TO THE WIN SPONSOR

42-652

•2 Notification When A WIN Registered AFBE-U Parent's Principal Earner's Status Changes from WIN to Non-WIN

- 21 An AFBE-U parent is required to be registered for WIN or if not eligible to WIN must be registered at EDD-ES as a condition of establishing a basis of deprivation due to unemployment unless exempt under Section 42-630.3, .4, .5, .7, .8 or .9. (See Section 41-440.24.)
- 22 IN a WIN county such non-WIN AFBE-U parents will generally be the AFBE-U parent who is not federally eligible or the AFBE-U parent who is remote and who chooses not to volunteer.
- 231 When the AFBE-U parent's principal earner's status changes from federal to nonfederal or from nonexempt to exempt, the IMU must shall include in its notification under Section 42-652.1 that the individual is required to be referred to EDD-ES for registration. This does not apply to the AFBE-U parent principal earner whose status changes from nonexempt to exempt under Section 42-630.3, .4, .5, .7, .8, or .9 or .10. (See Section 41-440.24.)
- 24 WIN will then refer to AFBE-U parent's registration record to EDD-ES and include in its deregistration notice to the IMU that the registration record has been referred. This does not apply to the AFBE-U parent whose status changes from nonexempt under Section 42-630.3, .4, .5, .7, .8, .9 or .10. (See Section 41-440.24.)

(8a) Adopt MPP Handbook Section 42-652.22 to read:

- 22 WIN will then refer the AFBE-U parent's principal earner's registration record to EDD-ES and include in its deregistration notice to the IMU that the registration record has been referred. This does not apply to the AFBE-U parent principal earner whose status changes from nonexempt under Section 42-630.3, .4, .5, .7, .8, or .10. (See Section 41-440.24.)

HANDBOOK.

- .253 The IMU ~~must~~ shall notify the AFBE-U parent principal earner of the change in his/her status from federal to nonfederal or from nonexempt to exempt and his/her responsibility to report to EDD-ES within 30 days. This does not apply to the AFBE-U parent principal earner whose status changes from nonexempt to exempt under Section 42-630.3, .4, .5, .7, .8, ~~or .9~~ or .10. (See Section 41-440.24.)

Authority: Welfare and Institutions Code Section 10553 and 10554.

Reference: Welfare and Institutions Code Section 11201 and 11310; ~~Government Code Section 11349.1~~; 45 CFR 224.20, and 45 CFR 233.100.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD 983-60

840419-1

RECEIVED FOR FILING

APR 19 9 47 AM '84

ADMINISTRATIVE LAW

ENDORSED

DEPARTMENT OF SOCIAL SERVICES

APR 30 1984

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: Linda S. McMahon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

APR 30 1984

At 3:41 o'clock P. M.
MARCH FONG EU, Secretary of State
By: Cathleen Taluck
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Roy Howard, Regulations Analyst

TELEPHONE

445-1422

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: Manual of Policies and Procedures (MPP) Sections 30-753(y); 30-758.2

SECTIONS ADOPTED

30-753 (aa); 30-759.7; 30-763.241(a) through (f); and 30-763.5

SECTIONS REPEALED

30-753(a); 30-759.7 and .71; and 30-763.241(a), (b), (c), (d), and (e).

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☒ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

N/A

b. DATE OF ADOPTION OF REGULATION(S)

April 3, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective on Filing with Secretary of State as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Repeal Subsection 30-753(a) and reletter remaining subsections; amend relettered Subsection 30-753(y); and adopt new Subsection 30-753(aa) to read:

30-753 SPECIAL DEFINITIONS

30-753

- (a) Able and Available Spouse means a member of a married couple as determined by SSI/SSP eligibility criteria, who lives with the recipient and who is not in need of IHSS.
- (b)(a) Base Rate means the amount of payment per unit of work before any premium is applied for overtime or related extraordinary payments.
- (c)(b) County Plan means the annual plan submitted to the State Department of Social Services specifying the method of IHSS delivery to meet program objectives, conditions, and fiscal limitations. This plan shall be amended if the county or state determines expenditure levels or trends require program modification.
- (d)(c) CRT or Cathode Ray Tube means a device commonly referred to as a terminal which is used to enter data into the IHSS payrolling system.
- (e)(d) CRT County means a county in which one or more CRT's have been located allowing the county to enter its data directly into the payrolling system.
- (f)(e) Deeming means procedures by which the income and resources of certain relatives, living in the same household as the recipient, are determined to be available to the recipient for the purposes of establishing eligibility and share of cost.
- (g)(f) Employee means the provider of IHSS under the individual delivery method as defined in Section 30-767.13.
- (h)(g) Employer means the recipient of IHSS when such services are purchased under the individual delivery method as defined in Section 30-767.13.
- (i)(h) Equity Value means a resource's current market value after subtracting the value of any liens or encumbrances against the resources which are held by someone other than the recipient or his/her spouse.
- (j)(i) Essential Services means:

- (1) Nonmedical personal services.
- (2) Paramedical services.
- (3) Protective supervision.
- (4) Snow removal, when appropriate.
- (5) Meal preparation.

~~(k)~~(j) Hours Worked means the time during which the provider is subject to the control of the recipient, and includes all the time the provider is required or permitted to work, exclusive of time spent by the provider traveling to and from work.

~~(j)~~(k) Housemate means a person who shares a living unit with a recipient. An able and available spouse or a live-in provider is not considered a housemate.

~~(m)~~(l) Landlord/Tenant Living Arrangement means a shared living arrangement considered to exist when one housemate, the landlord, allows another, the tenant, to share housing facilities in return for a monetary or in-kind payment for the purpose of augmenting the landlord's income. A landlord/tenant arrangement is not considered to exist between a recipient and his/her live-in provider. Where housemates share living quarters for the purpose of sharing mortgage, rental, and other expenses, a landlord/tenant relationship does not exist, though one housemate may customarily collect the payment(s) of the other housemate(s) in order to pay mortgage/rental payments in a lump sum.

~~(n)~~(m) Licensed Health Care Professional means a person who is a physician, chiropractor, podiatrist or dentist as defined and authorized to practice in this state in accordance with the California Business and Professions Code.

~~(o)~~(n) Live-In Provider means a provider who is not related to the recipient and who lives in the recipient's home expressly for the purpose of providing IHSS-funded services.

~~(p)~~(o) Minor means any person under the age of eighteen.

~~(q)~~(p) Net Nonexempt Income means income remaining after allowing all applicable income disregards and exemptions.

~~(r)~~(q) Nonessential Service means:

- (1) All domestic services.

(2) Heavy cleaning.

(3) Related services except meal preparation.

(4) Transportation services.

(5) Teaching and demonstration services.

(6) Yard hazard abatement, with the exception of snow removal.

{s}{r} Out-of-Home Care Facility means a housing unit other than the recipient's own home, as defined in (t) below. Medical out-of-home care facilities include acute care hospitals, skilled nursing facilities, and intermediate care facilities. Nonmedical out-of-home care facilities include community care facilities and homes of relatives which are exempt from licensure, as specified in Section 46-325.5, where recipients are certified to receive board and care payment level from SSP.

{t}{s} Own Home means the place in which an individual chooses to reside. An individual's "own home" does not include an acute care hospital, skilled nursing facility, intermediate care facility, community care facility, or a board and care facility. A person receiving an SSI/SSP payment for a nonmedical out-of-home living arrangement is not considered to be living in his/her own home.

{t}{t} Paper County means a county which sends its data in paper document form for entry into the payrolling system to the IHSS payrolling contractor.

{v}{u} Payment Period means the time period for which wages are paid. There are two payment periods per month corresponding to the first of the month through the fifteenth of the month and the sixteenth of the month through the end of the month.

{w}{v} Payrolling System means a service contracted for by the state with a vendor to issue paychecks to individual providers of IHSS; to withhold the appropriate employee taxes from the provider's wages; to calculate the employer's taxes; and to prepare and file the appropriate tax return.

{x}{w} Personal Attendant means a provider who is employed by the recipient and, as defined by 29 CFR 552.6, who spends at least eighty percent of his/her time in the recipient's employ performing the following services:

(1) Preparation of meals, as provided in Section 30-757.131.

- (2) Meal clean-up, as provided in Section 30-757.132.
- (3) Planning of menus, as provided in Section 30-757.133.
- (4) Consumption of food, as provided in Section 30-757.14(c).
- (5) Routine bed baths, as provided in Section 30-757.14(d).
- (6) Bathing, oral hygiene and grooming, as provided in Section 30-757.14(e).
- (7) Dressing, as provided in Section 30-757.14(f).
- (8) Protective supervision, as provided in Section 30-757.17.

(y)(x) Recipient means a person receiving IHSS, including applicants for IHSS when clearly implied by the context of the regulations.

(z)(y) Severely Impaired Individual means an individual recipient with a total assessed need, as specified in Section 30-763.26, for twenty 20 hours or more per week of service in one or more of the following areas:

(1) Routine bodily functions limited to:

(A) Bowel and bladder care, limited to the nonmedical specified services in Section 30-757.14(a).

(B) Respiration, limited to the nonmedical services specified in Section 30-757.14(b).

(C) Routine menstrual care, limited to those services specified in Section 30-757.14(j).

(2) Dressing, as specified in Section 30-757.14(f).

(3) Meal preparation, as specified in Section 30-757.131.

(4) Consumption of food, as specified in Section 30-757.14(c).

(5) Moving into and out of bed, as specified in Section 30-757.14(h).

(6) Routine bed baths, as specified in Section 30-757.14(d).

(7) Ambulation, as specified in Section 30-757.14(k).

(8) Paramedical services, as specified in Section 30-757.19.

4

(1) Any nonmedical personal service listed in Section 30-757.14.

(2) Preparation of meals and meal cleanup when assistance with consumption of food is required.

(3) Paramedical services.

~~(aa)~~ (z) Shared Living Arrangement means a situation in which one or more recipients reside in the same living unit with one or more persons. A shared living arrangement does not exist if a recipient is residing only with his/her able and available spouse.

(aa) Spouse means a member of a married couple or a person considered to be a member of a married couple for SSI/SSP purposes.

(bb) SSI/SSP means the Supplemental Security Income and State Supplementary Program administered by the Social Security Administration of the United States Department of Health and Human Services in California.

(cc) Substantial Gainful Activity means work activity that is considered to be substantial gainful activity under the applicable regulations of the Social Security Administration, 20 CFR 416.932 through 416.934. Substantial work activity involves the performance of significant physical or mental duties, or a combination of both, productive in nature. Gainful work activity is activity for remuneration or profit, or intended for profit, whether or not profit is realized, to the individual performing it or to the persons, if any, for whom it is performed, or of a nature generally performed for remuneration or profit.

(dd) Substitute Payee means an individual who acts as an agent for the recipient.

(ee) Turnaround Timesheet means a three-part document issued by the state payrolling contractor consists of the paycheck, the statement of earnings, and the timesheet to be submitted for the next pay period.

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Sections 12301 and 12304.

Amend Section 30-758.2 to read:

30-758 TIME PER TASK AND FREQUENCY STANDARDS

30-758

.2 Counties shall have the authority to develop and use time per task and frequency standards for other services*, except:

.21 nonmedical personal services, Section 30-757.14.

.22 meal preparation, Section 30-757.131.

.23 meal clean-up, Section 30-757.132.

.24 paramedical services, Section 30-757.19.

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Section 12301.2.

Repeal Subsections 30-759.7 and .71; and adopt new Subsection 30-759.7 to read:

30-759 APPLICATION PROCESS (Continued)

30-759

- 7 Notices of Action: A notice of action shall be sent to recipients as provided in Section 10-116. For the IHSS program, they are required whenever services to a client are approved, denied, changed, or terminated. The Notice of Action shall be on a form developed or approved by the Department. A copy of the notice of action shall be in the case record.
- 71 Approval notices shall list the beginning date of services, the amount of the IHSS moneys to be paid to the recipient, the recipient's share of cost (if any), shall itemize any amounts deducted from the IHSS payment, shall itemize the number of hours either per month or per week for each IHSS service authorized, and the total hours of service authorized per month.
- 7 A written notice of action containing information on the disposition of the request for service shall be sent to the applicant in accordance with MPP Sections 10-116 and 30-763.5.

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Section 12300.2.

Amend Subsection 30-763.1 and adopt new Subsection 30-763.14 to read:

30-763 NEEDS ASSESSMENT PROCESS

30-763

- 1 The needs assessment process consists of ~~three~~ four steps:
 - 11 determination of the total need for IHSS services,
 - 12 identification of available alternative resources, and
 - 13 determination of services which shall be purchased by IHSS and
 - 14 notification of recipient.

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Section 12300.2.

Repeal Subsections 30-763.241(a), (b), (c), (d), and (e); and adopt new Subsections 30-763.241(a), (b), (c), (d), (e), and (f) to read:

30-763 NEEDS ASSESSMENT PROCESS (Continued)

30-763

•2 Determination of the total need for IHSS services. (Continued)

•24 Exceptions when assessing needs in shared living arrangements:

•241 Able and Available Spouse

(a) A non-IHSS applicant/recipient spouse shall be presumed able unless he/she provides medical verification of his/her inability to perform specific IHSS tasks.

(b) An able applicant/recipient spouse shall be presumed available unless he/she is out of the home for employment or health reasons, or for other unavoidable reasons, during times which, in the county's judgment, the following services must be provided:

(1) Meal preparation.

(2) Transportation.

(3) Protective supervision.

(c) If the applicant or recipient has an able and available spouse, there shall be no determination of need for the following services, except as provided in (b) above and (e) below:

(1) Domestic.

(2) Related.

(3) Yard hazard abatement.

(4) Teaching and demonstration.

(5) Protective supervision.

(6) Transportation.

(7) Heavy cleaning

- (d) The need for paramedical and nonmedical personal services shall be determined in accordance with the provisions of Section 30-761.
- (e) When an available spouse is able to perform some but not all of the services specified in (e) above, the county shall have the authority to authorize only those services the spouse is unable to perform, consistent with the other provisions of this Division.
- (a) When an IHSS recipient has a spouse who does not receive IHSS, the spouse shall be presumed able to perform certain specified tasks unless he/she provides medical verification of his/her inability to do so.
- (b) An able spouse of an IHSS recipient shall be presumed available to perform certain specified tasks except during those times he/she is out of the home for employment, health or for other unavoidable reasons and the service must be provided during his/her absence.
- (c) When the recipient has an able and available spouse there shall be no payment to the spouse or any other provider for the following services as described in 30-757:
- (1) Domestic
 - (2) Related Services
 - (3) Yard Hazard Abatement
 - (4) Teaching and Demonstration
 - (5) Heavy Cleaning
- (d) When an able spouse is not available because of employment, health, or other unavoidable reasons, a provider may be paid for the following services only if they must be provided during the spouse's absence:
- (1) Meal Preparation

(2) Transportation

(3) Protective Supervision

(e) An able and available spouse or other provider may be paid for providing:

(1) Nonmedical personal services

(2) Paramedical service

(f) In addition to those services listed in (e) above, a spouse may be paid to provide the following services when he/she leaves full-time employment or wishes to seek employment but is prevented from doing so because no other suitable provider is available:

(1) Transportation

(2) Protective Supervision

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Section 12301.

Adopt new Section 30-763.5 to read:

30-763 NEEDS ASSESSMENT PROCESS (Continued)

30-763

.5. Notice of Action

.51 Whenever an IHSS needs assessment is completed the recipient shall be sent a notice of action in accordance with the requirements of MPP 10-116 and 30-759.7. In addition to the information required in 10-116, the notice shall include:

.511 a description of each task for which need is assessed.

.512 the number of hours authorized for the completion of the task.

.513 identification of hours for tasks increased or decreased and the difference from previous hours authorized.

Authority: Welfare and Institutions Code Sections 10553 and 12301.1.

Reference: Welfare and Institutions Code Section 12301.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1282-67

84-0330-6

RECEIVED FOR FILING

MAR 30 1984

Office of Administrative Law
ENDORSED
PROVIDED FOR FILING

MAY 1 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY: Linda S. McKeon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

MAY 1 - 1984

At 4:01 o'clock P.M.

MARCH FONG EU, Secretary of State

By Maryanne Herschberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

TELEPHONE

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: SECTIONS AMENDED MPP 40-159.1; 40-187.15; 40-187.2; 40-187.21 through .213;
40-189.128; 40-195.2; 40-197.1; 42-652.1

SECTIONS ADOPTED
MPP 40-195.1 (new)

SECTIONS REPEALED MPP 40-159.3; 40-185.3; 40-189.126 and .127; 40-195.1

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

April 1, 1983

b. DATE OF ADOPTION OF REGULATION(S)

March 30, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

March 16, 1984 to March 30, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☒ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☒ Effective on July 1, 1984 (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

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Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

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The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend MPP Section 40-159.1 to read:

40-159 SPECIAL PROVISIONS FOR DETERMINING ELIGIBILITY

40-159

.1 Aid Received Previously in Another County

When aid was received previously in another county, the determination of eligibility made by the prior county shall be used when the determination is sound; there is no evidence of fraud; and there is no material change in circumstances affecting eligibility. the county to which the recipient has moved will be responsible for determining the recipient's continued eligibility for payment of aid.

HANDBOOK

For Medi-Cal eligibility, see Medi-Cal Eligibility Manual Section 50136.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11053 and 11102.

Repeal MPP Section 40-159.3:

40-159 SPECIAL PROVISIONS FOR DETERMINING
ELIGIBILITY (Continued)

40-159

.3 County Responsibility in Determination of Blindness

The decision regarding degree of blindness rests with the SDOH. The county has the responsibility to assist the applicant to establish the nature and extent of his blindness and to provide the SDOH with an objective and comprehensive picture of pertinent facts. The county shall establish procedures and provide staff to help applicants promptly secure medical examinations. The county shall expedite the process of medical evaluation by giving the applicant any needed assistance in securing appointments by exerting special effort to secure reports promptly; and by related activities.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Stats. 1981, C. 69, Section 23, effective July 1, 1981.

Repeal MPP Section 40-185.3:

40-185 INTERPROGRAM TRANSFERS (Continued)

40-185

- ~~.3 An interprogram transfer between AFDC and APSB requires the completion of a new Statement of Facts (CA 2 or APSB 201). Transfer of the record to the new program is recommended to eliminate unnecessary duplication.~~

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Stats. 1981, C. 69, Section 23, effective July 1, 1981.

Amend MPP Sections 40-187.15 and 40-187.2, and amend and renumber Section 40-187.21 through .213 to read:

40-187 INTERCOUNTY TRANSFERS -- GENERAL (Continued)

40-187

.1 Definitions -- Intercounty Transfers (Continued)

- .15 Expiration of Transfer Period -- The end of the month in which the 60³⁰th day after notification to the second or third county occurs, or the end of the month in which aid is discontinued for cause, whichever is earlier. The 60³⁰-day period begins with the second county or a new 60³⁰-day period begins with the third county on the day following that on which the first county completes Form ABCDM 215, Notification of Transfer. When the 60³⁰th day falls on a Saturday, Sunday, or a legal holiday, the following first business day following the weekend or holiday is considered the last day of the 60³⁰-day period.

40-187 INTERCOUNTY TRANSFERS -- GENERAL (Continued)

40-187

.2 Responsibility for Payment of Aid and for Medical Assistance when a Recipient Moves from One County to Another to Make His/Her Home

There shall be no interruption or overlapping in payment of aid and provision of medical assistance as the result of a recipient moving from one county to another to make his/her home. The first county is responsible for continuing payment of aid and provision of medical assistance until the "transfer period," (as defined in Section 40-187.15 above) expires, at which time the county in which the recipient is making his/her home becomes responsible.

- .21 An intraprogram status change, as provided in Section 40-183, does not alter the "transfer period," nor does it constitute a discontinuance for cause. Therefore, if the intraprogram status change occurs before the expiration of the transfer period, the first county's responsibility for a cash grant or for medical assistance only continues until the end of the transfer period.

HANDBOOK

If the intraprogram status change is from medically needy to cash grant status, see Sections 40-125.3 and 40-183.5 for county responsibility for determination of eligibility and payment of aid. Also, see Medi-Cal Eligibility Manual

Section 50136 for county responsibility for continued Medi-Cal eligibility.

•212 Exceptions to Intercounty Transfer Rule

- 2121 Where the first county places the child in a foster home in a second county, the first county retains responsibility for payment of aid (see Section 40-125.8).
- 2122 Where an AFDC child moves intercounty to the home of his/her parent or relative who is receiving AFDC-FG or -U from the second county and the parent or relative requests continued AFDC for that child, or where the parent or relative applies for AFDC for that child or that child and other children, the first county's responsibility for payment of AFDC during the transfer period is limited to aid for that child. The first county's liability is to be computed as follows:
 - a. If the FBU consists of only the transferred child and the parent(s) or relative caretaker, the first county is responsible for the entire AFDC aid payment.

EXAMPLE

A child receiving AFDC-FG from County A moves from County A to live with his mother, who is residing in County B. The mother applies for AFDC for the child.

There are no other children in the home. County A is responsible for payment of AFDC for a two-person FBU (i.e., mother and child) during the transfer period.

EXAMPLE

A child receiving AFDC-FG from County A moves from County A to live with his mother, who is residing in County B. The mother applies for AFDC for the child.

There are no other children in the home. County A is responsible for payment of AFDC for a two-person FBU (i.e., mother and child) during the transfer period.

- b. If the FBU consists of the transferred child, the parent(s) or relative caretaker, and other AFDC eligible children, the first county's financial responsibility is limited to the difference between the AFDC aid payment computed including, and then excluding, the transferred child.

EXAMPLE

A child receiving AFDC from County A moves to County B to live with his mother, who is receiving AFDC from County B for her three other children. The mother requests aid for the transferred child. County A is responsible for payment of AFDC for the transferred child for the duration of the transferred period. This is calculated as \$85:

Maximum Aid (five persons)	\$686
Maximum Aid (four persons)	601
Difference	\$ 85

EXAMPLE

A child receiving AFDC from County A moves to County B to live with his mother, who is receiving AFDC from County B for her three other children. The mother requests aid for the transferred child. County A is responsible for payment of AFDC for the transferred child for the duration of the transferred period. This is calculated as \$88:

<u>Maximum Aid (five persons)</u>	<u>\$713 *</u>
<u>Maximum Aid (four persons)</u>	<u>625 *</u>
<u>Difference</u>	<u>\$ 88</u>

* MAP amounts are subject to change. Use currently applicable amounts specified in Section 44-315.411.

HANDBOOK

- 2123 The second county may arrange for transfer of responsibility for the child with the first county prior to the end of the transfer period pursuant to Section 40-189.1286.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11053 and 11102.

Repeal MPP Sections 40-189.126 and 40-189.127, and amend and renumber Section 40-189.128:

40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO
"MAKE HIS HOME" (Continued)

40-189

.1 Definitions (Continued)

.12 County in Which Recipient Makes His/Her Home (Continued)

*126 In AP5B a regular student at the California School for the Blind, the Orientation Center for the Blind, a college, university or other school, including a trainee who is enrolled in a short period of training who is a recipient of AP5B through a county other than that in which the school is located is considered "to live" in the county paying the aid at the time of enrollment in school or training plan, provided it is the recipient's plan to return to that county upon completion of the school term or training. If the recipient fails to return to the county paying aid after completion of the training period, he/she is considered to have moved to the county in which he/she is physically present "to make his/her home."

*127 In AP5B if the blind person is a minor, the "county where the blind person lives" is the county where the person providing a home (i.e., parent, relative or person acting in place of a parent) lives.

.1286 A person who, pursuant to one of the foregoing exceptions, would be considered to "make his/her home" in a county other than the one in which he/she is physically present, may, by mutual agreement of the county in which he/she is physically present, be considered to make his/her home in the county where he/she physically resides. In this case the county accepting responsibility for payment of aid to the recipient (second county) must inform the county currently responsible for the payment of aid (first county) of its intent to accept responsibility for the recipient, and the second county must arrange a date of transfer with the first county. Though there is no 60-day intercounty transfer period in this instance, the first county is nonetheless responsible for providing the second county with all documents

normally forwarded for an intercounty transfer (see Section 40-195).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11053 and 11102; and Stats. 1981, C. 69, Section 23, effective July 1, 1981.

Repeal MPP Section 40-195.1:

40-195 TRANSFER PROCEDURE

40-195

.1 Transfer of Records

At the time the transfer is initiated or within two weeks thereafter, the first county shall provide the second county with copies of the most recent EA 1, the most recent APSB 201 or EA 2, and the EA 7s from the prior two months, information regarding reserve available for supplementation pursuant to EAS 44-315.8, and other pertinent information and all documents supporting the eligibility determination made by the first county.

For AFBE-FE cases, documents to be provided by the first county to the second county shall also include a copy of the document granting the authority for placement and, where applicable, the mutual agreement between the 18-20 year old child and the placement agency.

The second (or third) county shall accept the determination of eligibility as made by the first county as provided in Section 40-159.1 and shall limit its determination of eligibility to circumstances which may have changed, or to new information inconsistent with prior case data.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11053 and 11102.

Adopt new Section 40-195.1 to read:

40-195 TRANSFER PROCEDURE

40-195

.1 Recipient Responsibility

It shall be the responsibility of a recipient changing residence from one county to another within the state to promptly notify the county paying aid to the recipient of the move and to apply for a redetermination of eligibility within the new county of residence. "Apply for a redetermination of eligibility", as used in this section, is defined as any clear expression to the county, whether verbal or written, that the recipient is living in the county and wishes to continue receiving aid.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11053.

Amend MPP Sections 40-195.2:

40-195 TRANSFER PROCEDURE (Continued)

40-195

•2 Steps Required to Accomplish Transfer

When responsibility for the determination of the eligibility and aid payment is to be transferred from one county to another; the procedure is as follows:

•21 The First County Shall:

- 211 When applicable, notify the second county of the recipient's removal move to that county by Form ABCDM 215. Send two copies with Section A of the form, completed in accordance with the instructions contained thereon, and accompanied by: (a) information regarding the recipient's removal to the second county to make his home and (b) such additional information and/or documents as are needed to determine continuing eligibility and the amount of the grant including a copy of the most recent authorization document specified in .213 below.

a. If the recipient is work registered, notify the appropriate Work Incentive (WIN) Program or Employment Services (ES) office in which the recipient is currently registered, with a copy of Form ABCDM 215, listing all individuals in the case who are work registered. When the second county is a WIN county, EDD-WIN will initiate transfer of the WIN registration to the second county. When the second county is a non-WIN county, the transferee will be deregistered in the first county and shall be required to register again in the second county.

- 212 Inform the recipient in writing of his/her responsibility to apply for a redetermination of eligibility in the new county of residence prior to the expiration of the transfer period. This reminder shall be mailed no later than the date the ABCDM 215 is sent to the second (or third) county.

- 2123 With the ABCDM 215, or within two one weeks after this form is sent, supply the second county with the

following additional material
information/documentation:

- a. Copies of the documents and information as required in Section 40-195.1 above most recent CA 1.
- b. Copy of the most recent CA 2 or FC 2, whichever is appropriate.
- c. Copy of the last two CA 7s received.
- d. Copy of the most recent authorization document.
- e. All documents or copies thereof supporting the eligibility determination made by the first county.
- bf. A summary of pertinent medical and social information including a statement of services needed by the recipient and services currently being given the recipient by the first county and a copy of the social assessment if one has been completed.
- e. When the recipient has received aid previously from the second or third county, copies of documents or material already in the possession of such second or third county or documents which are not needed to substantiate current and continuing eligibility would not be duplicated and sent to them again.
- g. For AFDC-FC cases, a copy of the document granting the authority for placement and, where applicable, the mutual agreement between the 18-year-old child and the placement agency.
- .214 Determine continuing eligibility and amount of grant from the information contained on the recipient's Monthly Eligibility Report(s) (CA 7) due in the transfer period, unless the CA 7(s) were submitted to the second county.
 - a) Inform the second county of the recipient's eligibility as soon as the determination is completed.

- b) Send copies of the CA 7, the resulting budget worksheet and any resulting notice of action as soon as possible.
- 215 If the recipient is work registered, send a copy of the Form ABCDM 215, listing all individuals in the case who are work registered, to the appropriate Work Incentive (WIN) Program or Employment Services (ES) office where the recipient is registered prior to the transfer.
- 2136 If the recipient moves to a third county to make his/her home before expiration of the transfer period, the first county shall:
 - a. Cancel the transfer agreement with the second county and initiate proceedings with the third county by use of Form ABCDM 215.
 - b. Request the second county to forward to the third county all information and documents supplied by the first county and any additional information secured by the second county.
 - c. Notify the appropriate WIN or ES Office that the transfer has been cancelled or changed.
- 22 The Second County Shall:
 - 221 Determine that the recipient is making his/her home in that county.
 - 222 Redetermine the recipient's eligibility by obtaining a new statement of facts in accordance with the procedures specified in Section 40-181.21. The county shall be responsible for determining the recipient's continuing eligibility and payment of aid as of the first day of the month following the expiration of the transfer period as defined in Section 40-187.15.
 - 222223 Review all factors of eligibility that may have changed and provide the first county with any information which might affect eligibility or the amount of the grant during the transfer period. If the recipient submits the CA 7(s) due during the transfer period to the second county, the second county shall determine the continuing eligibility and amount of grant from the information contained on the CA 7(s). Inform the first county that the CA 7(s)

has been processed and send a copy of the CA 7(s) to the first county.

- 2234 Complete Section "B" of the Form ABCDM 215 and return one copy to the first county.
- 224 Complete any necessary additional eligibility determination and, if the recipient is eligible, authorize aid to be effective on the transfer date. (See Section 40-159 and W&I 11053 regarding acceptance of eligibility determination of first county.)
- 225 At the request of the first county, promptly forward pertinent information and documents to a third county.
- 226 If the recipient was registered for work in the first county and registration is required for continued eligibility, he/she shall be required to register again in the second county. The CWD shall refer the recipient to the appropriate EDD office with:
 - a. For WIN registrants, a MA 5-95 marked "transfer" (see Section 42-640); or
 - b. For ES registrants, a GEN 827 (see Section 41-441).
 - c. The new EDD office is responsible for requesting the transfer of all records from the previous EDD office.

•23 The Third County Shall:

Proceed with transfer arrangements with the first county in the same manner as specified for the second county.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11053 and 11102.

Amend MPP Section 40-197.1 to read:

40-197 DISPUTE REGARDING COUNTY RESPONSIBILITY

40-197

•1 Referring Dispute to State Department of Benefit Payments
Social Services (SDSS)

When a county wishes to refer a dispute to the State Department of Benefit Payments, SDSS Form BFA 6, Appeals as to Responsibility for Support, a letter, signed by the director of the county CWD, is shall sent in triplicate to BBP SDSS. The county shall also send copies of documents, correspondence, etc., which are pertinent to a determination of county responsibility and a summary of its contention in the dispute. The decision of BBP SDSS shall be final. When responsibility for payment is found to be in a county other than that paying aid, intercounty transfer shall be initiated. BBP SDSS will make any claim adjustments which are indicated based on a determination of county responsibility.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.

Amend MPP Section 42-652.1 to read:

42-652 NOTIFICATION TO THE WIN SPONSOR

42-652

- 1 The IMU shall notify WIN within three working days of any welfare determination which may affect the individual's WIN status. Such notification is required when:
 - 11 The registrant or family is discontinued from welfare.
 - 12 The registrant obtains full-time employment.
 - 13 The registrant loses full-time employment.
 - 14 The registrant becomes exempt and does not wish to volunteer.
 - 15 An applicant or recipient who has been referred for registration is denied or granted, and if granted, specify whether he/she is federally or nonfederally eligible.

If the individual is an AFDC-U parent, who is nonfederal only because he has been unemployed less than 30 days, the notification shall include the date that federal eligibility will be established.
 - 16 The registrant becomes nonfederally eligible.
 - 17 The registrant moves from one address to another within the same WIN county.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1183-77
84-0417-2

RECEIVED FOR FILING

APR 17 2 57 PM '84

ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAY 17 1984

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: Linda S. McMahon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

MAY 17 1984
At 4:04 o'clock P.M.
MARCH FONG EU, Secretary of State
By: Margaret Heushberger
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Merry Benard, Regulations Analyst

TELEPHONE

5-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: 22 SECTIONS AMENDED
30-410.1, 30-464.2, 30-491.1
SECTIONS ADOPTED

SECTIONS REPEALED
Chapter 30-500

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☐ Emergency (Attach Finding of Emergency) ☒ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☒ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

December 30, 1983

b. DATE OF ADOPTION OF REGULATION(S)

December 21, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☐ Effective on filing (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on December 23, 1983, and which became effective on January 1, 1984.

Manual of Policy and Procedures, Division 30, Chapters 400 and 500, Sections:

Amended

30-410.1
30-464.2
30-491.1

Repealed

~~Adopted~~

30-500

No amendments or repealers resulted from the public hearing held on February 14, 1984.



LINDA S. MCMAHON
Director

4/12/84
Date

Amend MPP Section 30-410.1 to read:

30-410 ELIGIBILITY

30-410

- 1. Permanent placement services shall be available as specified in Welfare and Institutions Code Sections 16508 and 16508.2.

- 11 These statutes specify the following:

- 111 Permanent placement services shall be available without regard to income to the following children:

- (a) Children judged dependent under Welfare and Institutions Code Section 300, where a review has determined that reunification, adoption, or guardianship is inappropriate.
- (b) Recipients of public assistance under any of the Aid to Families with Dependent Children programs who are wards of a legal guardian where a review has determined that reunification or adoption is inappropriate.
- (c) Children in voluntary placement pursuant to subdivision (c) of Section 11401.1

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10554 and 16508.2.

Amend MPP Section 30-464.2 to read:

30-464 ADDITIONAL REQUIREMENTS FOR VOLUNTARY
PLACEMENTS (Continued)

30-464

- 2 Services shall be limited as specified in Welfare and Institutions Code Sections 16507.3 and 16508.2.

•21 These This statutes provides that services shall be limited to a period not to exceed six months, except as specified below:

•211 Children who continue to meet the following requirements as specified in Welfare and Institutions Code Section 11401.1 will remain eligible for permanent placement program services until January 1, 1984:

(a) Receipt by the county welfare department of a mental health assessment by a qualified mental health professional which:

(1) Documents that all appropriate efforts were made to treat the child while he/she was living in his/her home in an attempt to keep the family together prior to the child being voluntarily placed;

(2) Indicates the need for placement in a 24-hour setting;

(b) Requirement for the child's placement due to severe emotional disturbance;

(c) Requirement for appropriate treatment for the child's emotional disturbance while in placement;

(d) Determination that the child is not abused, neglected, or exploited as specified in Welfare and Institutions Code Section 309;

(e) Cooperation by the child's parent or guardian as follows:

(1) With the county welfare department in the provision of services specified in the service plan.

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- (2) With the county mental health department or a qualified mental health professional in arranging for the child's treatment.
- (3) With the treatment program of the facility in which the child is placed.
- (f) Receipt by the child of an administrative review every six months beginning October 1, 1982.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10554 and 16508.2.

Amend MPP Section 30-491.1 to read:

30-491 REQUIRED REVIEWS

30-491

- 1. Administrative reviews shall be conducted as specified in Welfare and Institutions Code Sections ~~11401~~, ~~11401.3(b)~~, ~~(c)~~ and ~~(d)~~, 366.25, 16503, and 16507.3(a) and (b); and Section 475(5)(B) of Public Law 96-272.
 - 11 These statutes specify that the agency responsible for placement and care of the child, as provided in Welfare and Institutions Code Section 11400, shall ensure that the following children in foster care placement receive administrative reviews:
 - 111 Children placed voluntarily prior to January 1, 1982.
 - (a) Voluntary placements subsequent to this date shall not be subject to review.
 - 112 Children placed in foster care pursuant to Welfare and Institutions Code Section 300(a), (b), (c), (d), or (e).
 - 113 Children freed for adoption.
 - 114 Severely emotionally disturbed children placed voluntarily in foster care pursuant to Welfare and Institutions Code Section ~~11401.1(c)~~.
 - (a) Such children are subject to the special provisions of Chapter 30-500, which have been adopted to implement Welfare and Institutions Code Section ~~11401.3(b)~~.
 - 12 The statutes further specify that:
 - 121 The status of each child is to be reviewed periodically, but no less frequently than once every six months, either by a court or by an administrative review panel.
 - 122 It is not necessary to conduct any administrative review which would duplicate a concurrent court review.

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10554, 11401, and 11401.3.

Repeal MPP Chapter 30-500:

30-500 ADMINISTRATIVE REVIEW REQUIREMENTS FOR SEVERELY
EMOTIONALLY DISTURBED CHILDREN

30-500

30-501 GENERAL

30-501

1 The county welfare department shall ensure that severely emotionally disturbed children placed voluntarily in foster care pursuant to Welfare and Institutions Code Section 11401.1(c) shall receive administrative reviews as specified in Welfare and Institutions Code Section 11401.3(a)

[*11 Welfare and Institutions Code Section 11401.3(a) states in part that the term "administrative review" means a review open to the participation of the parents or guardians of a child in foster care conducted by a panel of appropriate persons*]

2 Such reviews shall be conducted periodically, but no less frequently than once every six months

3 Nothing in these regulations shall be interpreted as preventing parent(s) or guardian(s) from terminating the voluntary placement of their child

30-502 DEFINITIONS

30-502

[*1 A "qualified mental health professional" means a person in one of the following categories who has had training and/or supervised professional experience in working with children and adolescents in a mental health setting and who is not currently employed by a county welfare department*]

11 Psychiatrist - A psychiatrist shall have a license as a physician and surgeon in this state and show evidence of having completed three years of graduate training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association

*12 Psychologist - A psychologist shall have obtained or have been declared eligible by the psychology Examining Committee for a California license granted by the California State Board of Medical Examiners, and within

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one year shall have been granted a California license by the California State Board of Medical Examiners and shall have two years of post doctoral experience in a mental health setting.

*13 Social Worker - A social worker shall have a master's degree from an accredited school of social work and two years post master's experience in a mental health setting or shall have obtained or have been declared eligible for a California license as a clinical social worker granted by the California State Board of Behavioral Science Examiners.

*14 Nurse - A nurse shall be licensed to practice as a registered nurse by the Board of Nursing Education and Nurse Registration in this state and possess a master's degree in psychiatric public health nursing and two years of nursing experience in a mental health setting. Additional post-baccalaureate nursing experience in a mental health setting may be substituted on a year-for-year basis for the educational requirements.

*15 Marriage Family and Child Counselor - A marriage family and child counselor shall have obtained a California license as a marriage family and child counselor granted by the State Board of Behavioral Science Examiners and have received specific instruction or its equivalent as required for licensure on January 1, 1981 pursuant to Section 5751 and 5751.3 of the Welfare and Institutions Code and shall have two years of post master's experience in a mental health setting.

*2 A "representative" means an individual including an attorney, relative, friend, or other person authorized by the complainant or by the agency to act for and represent a party to a review in any and all aspects of a grievance procedure or an administrative review.

*3 A "severely emotionally disturbed child" means a child with serious impairment in the development of his/her personality as the result of a mental disorder which prevents the child from functioning in his/her own home environment at least temporarily.

39-503 PURPOSES OF ADMINISTRATIVE REVIEWS

39-503

*1 The administrative review hearing for each child placed voluntarily in foster care pursuant to welfare and

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Institutions Code Section 11401.1(c) shall result in determinations as specified in Welfare and Institutions Code Section 11401.3(a).

11 Welfare and Institutions Code Section 11401.3(a) states in part that administrative reviews shall be conducted to determine the continuing necessity for and appropriateness of the child's placement, the extent of compliance with the service plan, and the adequacy of the services provided to the child.

12 The administrative review panel shall make recommendations as specified in Welfare and Institutions Code Section 11401.3(e)(4).

21 Welfare and Institutions Code Section 11401.3(e)(4) states that recommendations may include any of the following:

(1) Continuation of voluntary placement in the existing setting.

(2) Continuation of voluntary placement in a setting more appropriate to the child's needs.

(3) Termination of the voluntary placement.

(4) A recommendation that proceedings be instituted to declare the child a dependent of the court under Welfare and Institutions Code Section 300.

13 The administrative review hearing shall result in termination of the voluntary placement unless continuation is necessitated by conditions specified in Welfare and Institutions Code Section 11401.3(e).

31 Welfare and Institutions Code Section 11401.3(e) states in general that the administrative review panel shall terminate the voluntary placement unless the panel finds that the return of the child to his or her parent or guardian would create a substantial risk of detriment to the physical or emotional well-being of the child. The county welfare department and the county mental health department or other qualified mental health professional shall have the burden of establishing this detriment.

30-504 COUNTY WELFARE DEPARTMENT RESPONSIBILITY

30-504

- *1 The county welfare department shall meet the requirements specified in Sections *2 through *8 below.
- *2 One or more administrative review panels shall be established as specified in Section 30-493*2 to ensure timely review of all cases.
 - *21 Each panel shall include three or more members as specified in Sections 30-493*21.
- *3 Hearing procedures shall be established to address the objectives specified in Section 30-503.
- *4 A written administrative review plan shall be developed, maintained, and implemented.
 - *41 The plan shall include the following:
 - *412 Requirements specified in Section 30-493*4.
 - *42 The plan may be submitted as a supplement to the plan required in Section 30-493*4.
 - *43 The plan shall be submitted to the department for approval prior to implementation as specified in Section 30-493*5.
 - *431 For children placed voluntarily pursuant to Welfare and Institutions Code Section 11401.1(c) for whom an administrative review must be conducted prior to the department's approval of the plan when necessary to assure continuation of AFDC-FE eligibility, such reviews shall be conducted in accordance with Chapter 30-500.
 - *432 The county welfare department shall notify the department of its intent to conduct administrative reviews prior to approval of the plan.
- *5 The county welfare department shall comply with the findings of the review panels.

30-505 PARTICIPANTS IN THE REVIEW

30-505

- *1 Parties shall be allowed to participate as specified in Section 30-494.

30-506 NOTIFICATION

30-506

- *1 The county welfare department shall provide notification of the review process as specified in Section 30-495.

30-507 CONDUCT OF THE REVIEW HEARING

30-507

- *1 The services case worker (or other qualified person from the county welfare department) familiar with the case and a county mental health department worker or other qualified mental health professional shall present summary information to the administrative review panel in the detail necessary to enable panel members to meet the objectives specified in Section 30-503.
 - *11 Information presented shall include but not be limited to the following:
 - *111 A description of the child's situation as specified in Section 30-496.111.
 - *112 A description of the current situation of the child's parent(s) or guardian(s).
 - *113 A description of the current overall status of the case including the continuing appropriateness of current services and placement in relation to the case plan and expected date of accomplishment of the case plan.
- *2 The review panel shall allow comments by all hearing participants.
- *3 Hearings shall be postponed or continued as specified in Sections 30-496.3, 30-496.31, 30-496.32 and 30-496.33.

30-508 Repealed by Manual Letter No. 83-23
(4/7/83)

30-508

30-509 REPORTS FROM THE REVIEW PANEL

30-509

- *1 The administrative review panel shall complete or direct the completion of a written report of each review within five working days of the hearing.

*2 The report shall include the following:

*21 A summary of the child's current situation.

*22 Findings as specified in Welfare and Institutions Code Section 11401.3(c)(4).

*23 A list of any recommended changes in the case plan in the placement or in the services provided and time frames for the completion of these changes.

*3 The written report shall be signed by the chairperson of the review panel.

*4 The county welfare department shall distribute the report to the county mental health department or other qualified mental health professional and to those parties specified in Section 30-498.4.

30-510 SPECIAL PROVISIONS

30-510

*1 The provisions specified in Section 30-499 shall apply to the administrative reviews conducted pursuant to Division 30-500.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11401.1 and 11401.3.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD 383-20b

840423-1

RECEIVED FOR FILING

APR 23 4 16 PM '84

ENDORSED
APPROVED FOR
MAY 22 1984
Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services
(AGENCY)

BY: Linda S. McKeon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

MAY 22 1984
At 3:45 o'clock P.M.
MARCH FONG EU, Secretary of State
By Cathleen Patrick
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION Rick Torres, Regulations Analyst TELEPHONE 5-0313/3-0883

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED
Title: 22 63-034
SECTIONS ADOPTED
SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☐ Emergency (Attach Finding of Emergency) ☒ Certificate of Compliance
Other Regulatory Actions:
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

December 16, 1983

b. DATE OF ADOPTION OF REGULATION(S)

April 20, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

NA

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on _____ as required by statutes: (list) _____
c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
☐ Request Attached
d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

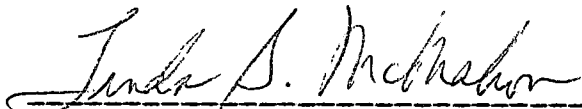
The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on November 21, 1983, and which became effective on January 1, 1984.

Manual of Policy and Procedures, Division 63, Chapter 000, Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
63-034	N/A	N/A

These regulations were presented at public hearing on January 30, 1984. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
63-034	N/A	N/A



LINDA S. MCMAHON
Director

4/20/84
Date

FINAL STATEMENT OF REASONS

a) General Purpose of the Regulations

This regulation implemented that provision of the Continuing Resolution Bill signed by the President on October 1, 1983, which allowed states the option of implementing the monthly reporting/retrospective budgeting (MR/RB) provisions on January 1, 1984.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations are Necessary

The purpose of this regulation was to change the effective date of the Food Stamp Program MR/RB regulations from December 1, 1983 to January 1, 1984. Aligned AFDC program regulations are now effective January 1, 1984. Uniformity between the two programs resulted in consistency for the recipients of aid under the programs and in ease of administering the programs for the CWDs. Joint food stamp/AFDC reporting forms and notices of action have been prepared to be used by recipients and the CWDs. Had the effective date not been changed, there would have been a significant adverse impact to both recipients of AFDC and food stamps. Additionally, a January 1, 1984, effective date allowed for a more effective transition to MR/RB in the CWDs and had no adverse impact on recipients.

c) Identification of Documents Upon Which Department is Relying

7 CFR 272.1(g) and the Continuing Resolution Bill (Public Law 98-107).

d) Testimony Summary and Response

There was no oral or written testimony submitted as a result of the public hearing held January 30, 1984. An explanation of the only modification follows.

Section 63-034

The only modification was the addition of 7 CFR 272.1(g) and the enclosure of Public Laws 96-39 and 97-35 by parenthesis in the Implementation Order. To indicate correctly the reference section which allows for the implementation of the monthly

reporting/retrospective budgeting regulations 7 CFR 272.1(g) replaced the Public Laws as the main reference.

e) Local Mandate Statement

These emergency regulations do constitute a mandate to local agencies, but not to any school district. There are no state mandated local costs in this order that require reimbursement under Section 2231 of the Revenue and Taxation Code because this order affirms for the state that which has been declared existing law or regulation by the federal government.

f) Statement of Potential Cost Impact on Public Agencies, Private Persons, or Entities Directly Affected

These regulations had no adverse impact on public agencies, private persons, or entities.

g) Small Business Impact Statement

These emergency regulations contained no provisions which would have had an adverse impact on small businesses.

h) 15-Day Renotice Statement

No renotice was necessary since substantive changes were not made to the regulations following the public hearing.

UPDATED INFORMATIVE DIGEST

The emergency regulations implemented a change in the originally mandated federal implementation date of October 1, 1983. As a result of the passage of the Continuing Resolution Bill (Public Law 98-107) signed by the President on October 1, 1983, states were allowed to delay the implementation of the monthly reporting/retrospective budgeting (MR/RB) regulations until January 1, 1984. SDSS opted to implement on January 1, 1984 to allow counties one more month to train and prepare for MR/RB and to allow for a more effective and orderly transition to MR/RB, and to align with the Aid for Families with Dependent Children (AFDC) regulations. Uniformity between the two programs allowed for an orderly transition and ease in administering the programs for the CWDs.

Amend Section 63-034 to read:

63-034 IMPLEMENTATION OF MONTHLY REPORTING AND
RETROSPECTIVE BUDGETING

63-034

Effective January 1, 1984, CWDs shall implement the provisions of Monthly Reporting and Retrospective Budgeting promulgated by 7 CFR 272.1(g) (Public Laws 96-39 and 97-35). CWDs shall provide all new applicants and currently certified households with the written explanation of monthly reporting/retrospective budgeting, the sample monthly report (CA 7) provided by SDSS, and a blank monthly report (CA 7). February 1984 shall be the first month in which CA 7s are due and March 1984 shall be the first month of retrospective budgeting.

The provisions contained in Section 63-505.2 shall be used to determine which households shall be subject to monthly reporting and/or retrospective budgeting requirements.

Authority: Welfare and Institutions Code Section 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901 and 18904, 7 CFR 272.1(g).

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

840425-2

ORD 383-20a

ENDORSED
APPROVED FOR FILING

MAY 25 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

MAY 25 1984

At 4:44 o'clock P. M.

MARCH FONG EU, Secretary of State

By

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Rick Torres, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 63-503.232(d), 63-504.121, 63-504.141, 63-504.141(b), 63-504.622(a) and 63-504.623(b).

SECTIONS ADOPTED

SECTIONS REPEALED

63-503.232(d)(2)

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☒ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

November 4, 1983

b. DATE OF ADOPTION OF REGULATION(S)

April 23, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

April 16, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

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(OAL-4)

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

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Part 9. Effective Dates—check one of the following:

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- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
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CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

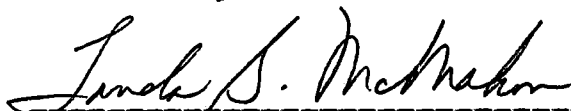
The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on September 30, 1983, and which became effective on January 1, 1984.

Manual of Policy and Procedures, Division 63, Chapters 503 and 504, Sections:

<u>Adopted</u>	<u>Repealed</u>
63-503.232(d)	63-504.382
63-504.1	
63-504.342	
63-504.382	
63-504.6	

These regulations were presented at public hearing on December 21, 1983. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Repealed</u>
63-503.232(d)	63-503.232(d)(2)
63-504.121	
63-504.141	
63-504.141(b)	
63-504.622(a)	
63-504.623(b)	


LINDA S. McMAHON
Director

4/11/84
Date

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 445-0633



To the Office of Administrative Law:

I, Rick Torres, do hereby declare as follows:

1. I am employed by the Department of Social Services as a Regulations Analyst in the Office of Regulations Development.

2. As part of my recent responsibilities I was assigned to a regulation package that was intended to change the effective date for Food Stamp Monthly Reporting/Retrospective Budgeting regulations (MRRB) from December 1, 1983 to January 1, 1984. This package was identified as ORD 383-20(b).

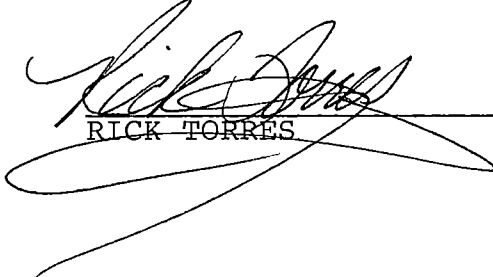
3. The MRRB regulations had been filed with an effective date of December 1, 1983. It was understood that ORD 383-20(b) would have to be filed on an emergency basis effective December 1, 1983 in order to revise the regulation that provided for MRRB regulations to be implemented on December 1, 1983.

4. It was my responsibility to fill out the OAL-4 form for filing ORD 383-20(b). In doing so I mistakenly used the date referred to in the amended regulation. January 1, 1984 was the revised date on which counties were to implement MRRB. It was not to be the effective date of the regulation. I intended to put December 1, 1983 as the effective date.

5. ORD 383-20(b) was filed with the Office of Administrative Law and the Secretary of State on November 21, 1983 in order to be effective on December 1, 1983. The clerical mistake of filling in the effective date as January 1, 1984, instead of December 1, 1983 was not identified.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 25, 1984 at Sacramento, California.


RICK TORRES

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 445-0633



To the Office of Administrative Law:

I, Stephen K. Larsen, do hereby declare as follows:

1. I am employed by the Department of Social Services as Chief of the Food Stamp Program Management Branch. My responsibilities include the development and implementation of regulations for the Food Stamp Program.

2. Pursuant to a federal mandate the Department was to implement a monthly reporting retrospective budgeting system in the Food Stamp program. Regulations had been filed that were to be effective and implemented by county welfare departments on December 1, 1983.

3. On October 1, 1983, President Reagan signed Public Law 98-107 which postponed the mandatory implementation date for MRRB to January 1, 1984. Given this option, the Department chose to postpone implementation of MRRB to January 1, 1984. In a telegram dated October 13, 1984, the counties were informed of this decision. A copy is attached.

4. In order to change the implementation date of the MRRB regulations to January 1, 1984, the Department adopted an emergency regulation, ORD 383-20(b). It was understood that this

regulation postponed the effective date of all the MRRB regulations that otherwise would have gone into effect on December 1, 1983. The county welfare departments were instructed not to implement MRRB until January 1, 1984 and the Department's regulations published in its Food Stamp Manual show an effective date of January 1, 1984. A copy of these regulations are attached.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 25, 1984 at Sacramento, California.


STEPHEN K. LARSEN



Telegram

NO. WDS.—CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	THIS MESSAGE WILL BE SENT AS A TELEGRAM UNLESS IT IS OTHERWISE INDICATED.	PRESS DPR NPR	OVER NIGHT TELEGRAM
			Dept. of Social Services			

Send the following message, subject to the Telegraph Company's conditions, rules and regulations, which are on file with regulatory authorities. Acct.# CSF 032576

(WESTERN UNION:PLEASE SEND THE FOLLOWING MESSAGE TO THE COUNTIES LISTED IN THE COUNTY STORAGE PLAN MAINTAINED FOR OUR DEPARTMENT)

10/13/83

1 RETSIM
DEPT. OF SOCIAL SERVICES
744 P STREET RM 1492
SACRAMENTO CA 95814

TO: ALL-COUNTY WELFARE DIRECTORS

SUBJECT: FOOD STAMP MR/RB REGULATIONS

ON OCTOBER 1 PRESIDENT REAGAN SIGNED THE CONTINUING RESOLUTION, PUBLIC LAW 98-107. THIS ENACTMENT POSTPONES THE FEDERALLY MANDATED IMPLEMENTATION OF FOOD STAMP MONTHLY REPORTING RETROSPECTIVE BUDGETING UNTIL JANUARY 1, 1984. AS A RESULT, SDSS HAS POSTPONED IMPLEMENTATION OF THE STATE MRRB REGULATIONS UNTIL JANUARY 1. CWDs SHOULD OTHERWISE CONTINUE CURRENT IMPLEMENTATION PLANS. CONTACT YOUR FOOD STAMP CONSULTANT IF YOU HAVE QUESTIONS.

L.S. McMahon

LINDA S. McMAHON
DIRECTOR

DEPT. OF SOCIAL SERVICES
744 P Street Rm 1492
Sacramento Ca 95814

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 445-0313



January 12, 1984

Re: Regulations 383-20
383-20a
383-20b
and editorial corrections

. DSS MANUAL LETTER NO. 83-73

TO: HOLDERS OF FOOD STAMP MANUAL, DIVISION 63

ORD #383-20

Effective: 1/1/84

Sections 63-034; 63-102(bbb)-(nnn) and (rrr);
63-103.2; 63-202.6; 63-300.2, .4 and .5;
63-301.5, .6, and .8; 63-503.1, .2, .3, .4, and
.5; 63-504.2, .3, .4, .5, .7, and .8; 63-505.2,
.3, .4, and .5; 63-801.2 and 63-804.6.

The specific purpose of these regulations is to implement the monthly reporting/retrospective budgeting provisions which permit CWDs to compute food stamp benefits for most households by using past information as opposed to anticipated future circumstances. The regulations also require most food stamp households to report in detail certain information relevant to their continued eligibility and coupon allotment, on a monthly basis. It is anticipated that intentional program violations and error rates in most counties will be reduced due to monthly reporting and retrospective budgeting. These regulations also contain a multitude of editorial changes; renumbering the restructuring of various sections in current regulations for the purpose of clarity.

ORD #383-20a

Effective: 1/1/84

Sections 63-503.232(d); 63-504.1, .4, .12, .13, and
.14; 63-504.342; 63-504.382; and 63-504.6, .61, .62,
.63, and .64.

The emergency portion of these regulations (ORD 383-20a) are the result of federally denied waivers and a clarification of federal regulations and are to be implemented in conjunction with the Food Stamp Monthly Reporting and Retrospective Budgeting (ORD 383-20) as they are necessary to make the system fully operational.

The provisions of ORD 383-20 were considered at the June 6, 1983 public hearing, and filed with the Secretary of State September 30, 1983. The provisions of ORD 383-20a will be considered at the December 21, 1983 public hearing and were filed as emergency regulations with the Secretary of State September 30, 1983.

ORD #383-20b

Effective: 1/1/84

Section 63-034

The Department submitted an emergency filing (383-20b) amending the implementation date of MR/RB from December 1, 1983 to January 1, 1984. This order was filed with the Secretary of State on November 1, 1983 to be effective January 1, 1984 and scheduled for the January 30, 1984 public hearing.

Editorial Corrections to ORD 383-20

Effective: 1/1/84

Sections 63-503.473(d), .477(b), .478 and .479

There was a regulatory filing (ORD 1083-55 The Nondiscretionary Provisions of the Food Stamp and Commodity Distribution Amendments of 1981) which overlapped with ORD 383-20 (MR/RB) and had an earlier effective date of December 1, 1983. The filing of the MR/RB amendments resulted in language being revised which should have remained as filed in ORD 1083-55. Specifically, Section 63-503.473(d) corrected an erroneous reference, Sections 63-503.477(b) and .479 included wording which should have been filed as was in ORD 1083-55, Section 63-503.478 was removed from the filing and Section 63-503.479 was renumbered to .478. This Manual Letter No. 83-73 reflects those editorial corrections as filed with the Secretary of State on December 20, 1983.

FILING INSTRUCTIONS

The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Food Stamp changes was DSS Manual Letter No. 83-72.

<u>Revision No.</u>	<u>Replaces Revision No.</u>
1160	1148
1161	1129
1162	1137
1163, 1163a, 1163b and 1163c	1106
1164	624
1165	2743
1166	1132
1167	2791
1168	1134
1169	603
1170	3210
1171	1138
1172	2358
1173	3215
1174	928
1175	1081
1176	1145
1177	1146, 2596, 2597 and 2598
1178	2599
1179	1143
1180	1144
1181 and 1181a	1105
Issue 565	
Issue 566	
Issue 567	
Issue 568	
1182	2640 and 2641
1183	2642
1184	400 and 1106
1185	1107
1186 and 1186a	1108
Issue 569	
Issue 569a through 569L	
1187	Issue 669, Rev. 855, 856, 90, 1083 1083a, 1083b, 910, 859, 1153, 1154 1155, 862 and 656 3048
1188	863, 2061, 2817 and 2818
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1193	911 and 91
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Issue 577 and 578
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Attachments

LDA

**FOOD STAMP REGULATIONS
IMPLEMENTATION SCHEDULE**

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63-026 IMPLEMENTATION OF REPLACEMENT AMENDMENTS **63-026**

Counties shall implement the provisions of the amended regulations for replacements of ATPs and coupons, promulgated by Public Law 95-113 (Food Stamp Act of 1977) immediately after the regulations are filed with the Secretary of State.

63-027 IMPLEMENTATION OF PHOTO ID LIABILITY **63-027**

CWD's shall implement the provisions concerning photo I.D. liability promulgated by P.L. 97-98 immediately upon filing with the Secretary of State.

63-028 IMPLEMENTATION OF SSN OF ALL FOOD STAMP HOUSEHOLDS **63-028**

Sections 63-404 through 63-404.5 as amended herein, pursuant to Public Law 97-98, shall become effective immediately upon filing with the Secretary of State, as follows:

- .1 Upon the effective date of these regulations, the revised provisions shall apply to all new applications.
- .2 Currently certified households shall be converted to the revised provisions at the time of recertification or anytime the casefile is reviewed prior to recertification.

63-029 IMPLEMENTATION OF GROSS AND NET INCOME STANDARDS **63-029**

CWDs shall implement the provisions for gross and net income maximums promulgated by Public Law 97-253 as follows:

Beginning July 1, 1983, both the gross and net income standards shall be applied to all new applicant households for which there are no elderly or disabled household members. For currently participating households with no elderly disabled household members, income eligibility shall be redetermined using both income standards by the time of the next budget recomputation or at recertification, whichever occurs first. This does not preclude the CWD from converting the entire caseload effective July 1, 1983.

63-030 IMPLEMENTATION OF EXPEDITED SERVICE PROVISIONS **63-030**

CWD's shall implement these emergency regulations on Expedited Services promulgated by Public Law 97-253 to amend the Food Stamp Act of 1977, effective on the first of July 1983.

63-033 IMPLEMENTATION OF REPEALED AND REVISED POINTS AND HOURS OF SERVICE STANDARDS **63-033**

Effective on the date that these regulations are filed with the Secretary of State counties shall implement the revised provisions on points and hours of service standards in Sections 63-107.8; 63-205.1 and .2, 63-300.41, 63-302.13, and delete repealed Sections 63-109 and 63-205.11 through .141 and .21 through .312.

63-034 IMPLEMENTATION OF MONTHLY REPORTING AND RETROSPECTIVE BUDGETING **63-034**

Effective January 1, 1984, CWDs shall implement the provisions of Monthly Reporting and Retrospective Budgeting promulgated by Public Laws 96-39 and 97-35. CWDs shall provide all new applicants and currently certified households with the written explanation of Monthly Reporting/Retrospective Budgeting and the sample monthly report (CA 7) provided by SDSS and a blank monthly report (CA 7). February 1984 shall be the first month in which CA 7s are due and March 1984 shall be the first month of retrospective budgeting.

The provisions contained in Section 63-505.2 shall be used to determine which households shall be subject to monthly reporting and/or retrospective budgeting requirements.

**63-035 IMPLEMENTATION OF ADMINISTRATIVE/ELIGIBILITY
AMENDMENTS REGULATIONS****63-035**

Sections as amended herein pursuant to Public Laws 96-354, 97-35, and 97-253 shall become effective no later than the first of the month 30 days following filing for all new applications and no later than recertification for current caseload except as follows:

- .1 The provision of elderly and disabled members applied to household definition, eligibility and benefit determination, and income deductions still apply retroactively to September 8, 1982 for those persons who had requested and were denied separate household status or other considerations granted by the provision on or after September 8, 1982 and who request retroactive benefits.
- .2 The provision for minimum benefits during reduction under Sections 63-107.2, .3, and .6 shall become effective immediately upon filing with the Secretary of State.

This implementation order requires changes to be made to the following sections: 63-102, 107, 300, 301, 402, 403, 409, 501, 502, 503, 505, 601, and 602.

63-036 IMPLEMENTATION OF SPONSORED ALIENS PROVISIONS**63-036**

Sections of 63-102, 63-300, and 63-403, as amended and Section 63-503.53 as adopted herein, pursuant to Public Law 97-98, shall become effective the first of the month following 30 days after filing with the Secretary of State by the CWD and shall be implemented as follows:

- .1 First of the month following 30 days after filing of these regulations, the revised provisions shall apply to all new applications for households with sponsored aliens for whom the sponsor signed an affidavit of support or similar agreement on or after February 1, 1983.
- .2 Currently certified households for which the sponsor signed an affidavit of support or similar agreement on or after February 1, 1983, shall be converted to the revised provisions at the time of recertification.

63-038 IMPLEMENTATION OF AMENDED SUA REVISIONS**63-038**

Effective on November 1, 1983, CWDs shall implement the amendments to the SUA revisions, as follows:

1. Upon the effective date of these regulations, the amended revisions shall be applied to all new applications.
2. Currently certified households shall be converted to the amended revisions by the time of recertification.

This order implements changes to Sections 63-300.516, .534, 63-502.361, and .363.

63-102 DEFINITIONS (Continued)

63-102

- ii. "Liquid Resources" means those resources which are in the form of cash or are readily converted into cash. Such resources shall include but may not be limited to cash on hand, money in checking or savings accounts, savings certificates, trust deeds, notes receivable, stocks or bonds, and nonrecurring lump-sum payments unless specifically excluded in Section 63-501.3.
- jj. "Prescreening" means gathering information to perform a preliminary review of eligibility for participation in the food stamp program. Prescreening does not include gathering information to refer an applicant to the appropriate program or office.
- kk. "Communal dining facility" means a public or nonprofit private establishment approved by FNS which prepares and serves meals for elderly persons, or for supplemental security income (SSI) recipients and their spouses; a public or private nonprofit establishment (eating or otherwise) that feeds elderly persons or SSI recipients and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents. It also includes private establishments which contract with a local agency to offer meals at concessional prices to elderly persons or SSI recipients and their spouses.
- ll. "Coupon" means a type of certificate provided pursuant to the provisions of Division 63, Food Stamp Regulations, for the purchase of eligible foods.
- mm. "Drug addiction or alcoholic treatment and rehabilitation program" means any drug addiction or alcoholic treatment and rehabilitation program conducted by a private nonprofit organization or institution which is certified by the Department of Alcohol and Drug Programs as providing treatment which can lead to the rehabilitation of drug addicts or alcoholics.
- nn. "Meal delivery service" means a political subdivision, a private nonprofit organization, or a private establishment which contracts with a local agency for the preparation and delivery of meals at concessional prices to elderly persons and their spouses; and to the physically or mentally handicapped and their spouses, such that they are unable to adequately prepare all of their meals.
- oo. "Nonprofit cooperative food purchasing venture" means any private nonprofit association of consumers whose members pool their resources to buy food.
- pp. "Staple food" means those food items intended for home preparation and consumption which include meat, poultry, fish, breadstuffs, cereals, vegetables, fruits, fruit and vegetable juices, and dairy products. Accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices are not staple foods for the purposes of qualifying a firm to participate in the Food Stamp Program as a retail food store.
- qq. "Parental Control"
 - 1. A minor child shall not be considered under the parental control of the adult with whom he/she resides if any one of the following conditions exists:
 - (a) The minor entered into a valid marriage, whether or not such marriage has terminated by dissolution.
 - (b) The minor is on active duty with any of the armed forces of the United States of America. (Note: A person who was in the armed forces but was discharged before reaching the age of 18 could still be considered under parental control.)
 - (c) The minor has been emancipated by a court order.

63-102 DEFINITIONS (Continued)**63-102**

2. If none of the above conditions exist then whether or not a minor should be considered under the parental control of the adult with whom he/she resides shall be determined using the following criteria. The eligibility worker shall assess the relative importance of the criteria below to each individual case in determining whether or not parental control exists:
- (a) The minor is economically self-supporting and managing his/her own affairs.
 - (b) The closer a minor is to 18 years the more significant age becomes in the determination of parental control.
 - (c) The minor is absent from the adult with whom he/she is residing for significant periods of time and comes and goes without the adult's approval.
- rr. "Shelter for Battered Women and Children" means a public or private nonprofit residential facility that serves battered women and/or women with children. A shelter: 1) may have FNS authorization as a retail food store to redeem coupons through wholesalers; 2) may accept coupons from residents in payment for meals prepared by the shelter; 3) may redeem coupons at retailers as the authorized representative; or 4) residents may use coupons to purchase food and prepare meals. If the facility also serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and/or women with children.
- ss. "Migrant Households" are households which contain members who travel to various locations in search of agricultural employment.
- tt. "Wholesale food concern" means an establishment which sells eligible food to retail stores or to meal services for resale to households.
- vv. "Issued" means an item is disbursed. Therefore, coupons or ATPs are considered issued when deposited in the mail or handed over the counter.
- ww. A "Photo Identification Card System" is one which meets all the requirements of Section 63-504.9. The photo identification card system may utilize a single identification card which meets the requirements of Sections 63-504.5 and 63-504.9 or two identification cards which together meet the requirements of these sections.
- yy. Household Disaster means a natural event such as flood, tornado, or a devastating event such as a fire.
- zz. "Sponsored alien" means those aliens lawfully admitted for permanent residence into the United States as immigrants and supported by a sponsor in order to overcome Section 212(a) (15) of the Immigration and Nationality Act.
- aaa. "Sponsor" means a person who executed an affidavit(s) of support or similar agreement, on behalf of an alien as a condition of the alien's entry or admission into the United States as a permanent resident.
- bbb. "Beginning Months" in a retrospective budgeting systems means the first month the household is certified for food stamps and the month thereafter. For households applying for food stamps and PA benefits at the same time, a third beginning month shall be assigned if necessary for the household to transition from prospective to retrospective budgeting during the same month for both food stamps and PA. The first beginning month cannot be any month which immediately follows a month in which a household is certified and subject to retrospect budgeting in any project area.

63-102 DEFINITIONS (Continued)**63-102**

- ccc. "Budget Month" in a retrospective budgeting system means the month from which income and other circumstances (except household composition) of the household are used to calculate the household's allotment for the corresponding issuance month.
- ddd. "Extended Filing Date" in a monthly reporting system is by close of business on the first working day of the issuance month and is the final date by which the household must submit a complete Monthly Eligibility Report (CA 7), including all required verification without penalty of termination of eligibility or disallowance of deductions.
- eee. "Issuance Month" in a monthly reporting and retrospective budgeting system means the month for which a food stamp allotment is issued. The allotment is based on income and circumstances in the corresponding budget month. In prospective budgeting, the budget month and issuance month are the same. In retrospective budgeting, the issuance month is the second month after the budget month.
- fff. "Migrant Farmworker" shall mean an individual who does not live at his/her home, but rather travels from place to place outside the project area in which the individual resides, to seek employment in an agriculturally related activity. A migrant household is a household that travels for this purpose. A household residing at its primary residence shall not be defined as a migrant household for food stamp purposes.

63-102 DEFINITIONS (Continued)**63-102**

- ggg. "Prospective Budgeting" means the computation of a household's food stamp allotment for an issuance month based on an estimate of income and circumstances which will exist in that month.
- hhh. "Report Month" in a monthly reporting and retrospective budgeting system means the month during which the Monthly Eligibility Report (CA 7) from the budget month is due and the month during which the household's allotment for the issuance month is calculated. The report month is between the budget month and the issuance month.
- iii. "Retrospective Budgeting" means the computation of a household's food stamp allotment for an issuance month based on actual income and circumstances which existed in the budget month.
- jjj. "Initial Application and Certification" means:
- (1) For the purpose of prorating benefits (see Section 63-503.13):
 - (a) The first application for benefits a household has ever filed, or
 - (b) An application for certification filed after any break in certification.
 - (2) For the purpose of determining verification requirements (see Section 63-300.5):
 - (a) The first application for benefits a household has ever filed, or
 - (b) An application for certification filed after at least a one month break since the household was last certified, or
 - (c) An application received from any household which was immediately previously certified in another project area regardless of whether or not there has been a one month break since the household was last certified.
 - (3) For the purpose of determining whether or not it is a beginning month(s) for a household which shall be subject to retrospective budgeting (see Section 63-503.21):
 - (a) The first application for benefits a household has ever filed, or

63-102 DEFINITIONS (Continued)**63-102**

- (b) An application for certification filed after at least a one month break since the household was last certified and subject to retrospective budgeting.
- kkk. Compliance with "Recipient Due Dates" means items shall be received by close of business on the date specified unless that date falls on a weekend or holiday, in which case the due date is by close of business on the next normal working day.
- lll. Compliance with "CWD Time Limits" means taking action within the time frames specified unless the last day for taking action falls on a Sunday or other holiday, as specified in Government Code Sections 6700 and 6701, in which case the last day for taking action is on the next normal working day. If the last day falls on a Saturday the CWD shall take action on or before that date.
- mmm. "Mixed Household" means a food stamp household in which less than all members receive public assistance in addition to food stamp benefits. For purposes of these regulations, mixed households shall be considered nonassistance households and shall be subject to the same procedures as nonassistance households except as otherwise specified.
- nnn. "Nonassistance Household" means a household which receives food stamp benefits and in which none or less than all of its members also receive public assistance.
- rrr. "Prospective Eligibility" means the determination of a household's eligibility for an issuance month based on an estimate of a household's income, circumstances, and composition which will exist in that month.

63-103 ADMINISTRATIVE AUTHORITIES**63-103****.1 FNS Delegations to State Agency**

The state agency shall be responsible for the administration of the program within the state.

.2 State Agency Delegations to County Agencies

.21 Under California law SDSS hereby delegates administration of the Food Stamp Program to the CWD, subject to SDSS regulatory and rulemaking authority. CWD administrative responsibilities include, but are not limited to:

- a. Certification of applicant households;
- b. Issuance, control, and accountability of coupons;
- c. Developing and maintaining procedures for complaint handling;
- d. Developing, conducting, and evaluating training;
- e. Keeping records necessary to determine whether the program is being conducted in compliance with these regulations; and
- f. Submitting accurate and timely financial and program reports.
- g. Determining the amount of, and settling, adjusting, compromising, or denying all or part of any claim which results from fraudulent or nonfraudulent overissuances to participating households, subject to the standards in 63-801;
- h. Prompt submission to DSS/FSPMB of revised Information Statement Forms DFA 298, 298.1, 298.2 or 298.3 to reflect any changes made to an earlier reported form item;
- i. Maintenance of procedures and controls to:
 - (1) Implement Food Stamp Program changes as required by DSS.
 - (2) Accumulate statistical data for the following monthly reports:
 - (a) DFA 296 Food Stamp Program Monthly Statistical Report
 - (b) DFA 433 Monthly Report on Food Stamp Outreach Program
 - (c) FNS 256 Monthly Report on Participation and Coupon Issuance
 - (3) Coordinate between all CWD administered programs to ensure that food stamp eligibility and benefits accurately reflect participation and changes which occur in other programs.
 - (4) Coordinate records and forms where there are separate PA records on the same food stamp household, as the FS Program operates on a consolidated household basis and adequate cross referencing is necessary.
 - (5) Ensure that recertifications are completed and recorded at the required time for all cases including those with companion PA cases.
 - (6) Facilitate replacement of stolen ATPs, or coupons or ATPs lost in the mail, or coupons or ATPs destroyed in a disaster (as specified in Section 63-102yy).
 - (7) Expedite services for destitute households.
 - (8) Facilitate continuous participation of eligible households moving to another county or state (particularly where a PA case transfer is involved).

FOOD STAMP REGULATIONS
PROGRAM REQUIREMENTS

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63-202 PROGRAM ADMINISTRATION AND PERSONNEL REQUIREMENTS
(Continued)**63-202****.41 Exceptions**

With prior written SDSS approval, a county may combine unit responsibilities if the controls specified above have been found to be administratively infeasible.

.411 To receive approval of combined operations, the county shall establish special review requirements which at a minimum include:

a) Biweekly reconciliation and verification of transactions; and

b) Semiannual comparison of HIR cards and case records as required by Section 63-706 and, at least once every other month, second-party review of certification actions.

.412 The county shall annually determine whether each combined operation continues to be justified and shall so advise DSS in writing.

.5 Training

The county shall institute a continuing training program for food stamp eligibility workers and individuals involved in prescreening activities.

.51 County training programs shall cover eligibility criteria, certification procedures, household rights and responsibilities including nondiscrimination rights, and other job-related responsibilities concerning the certification of households, for example, interviewing skills. The content of training programs shall be reviewed on a semiannual basis in light of program deficiencies identified through DSS's performance reporting system and modifications shall be made where warranted. Changes in policy or procedures stemming from court actions or revisions to legislation and regulations shall be promptly reflected in county training programs.

.52 Employees assigned responsibility for the certification of households shall be provided with sufficient training prior to initially assuming their duties. As needed, formal training shall be provided periodically to all certification staff. The need shall be established by policy changes and program deficiencies identified by the performance reporting system. Inadequate performance by individual employees may also indicate the need for training.

.53 The county shall invite the public to attend formal certification training sessions conducted for county staff on a county-wide basis. (Informal unit meetings held to discuss unit problems and to instruct workers in correct procedures are not considered "formal" training sessions.) Public attendance at formal training sessions shall be allowed for 5 percent of the total attendance at the session, of five training slots, whichever number is smaller except that public attendance need not be provided at sessions conducted for fewer than 20 persons. The county shall invite individuals from the community who represent recipients or organizations working on behalf of recipients, who are knowledgeable about program eligibility rules and certification requirements, and who are actively engaged in work or volunteer activity related to food stamp certification rules. The county shall not exclude arbitrarily individuals (who otherwise meet these criteria) due to disagreements between these individuals and the county concerning aspects of county operations. The county may limit the role of public participants to observation only.

63-202 PROGRAM ADMINISTRATION AND PERSONNEL REQUIREMENTS
(Continued)**63-202**

- .54 Training shall also be provided to county personnel who prescreen or provide other information services to applicants or the public. Although this training need not be as comprehensive as that for certification personnel, it shall be in sufficient detail and frequency to insure that low-income households have access to accurate program information and that prescreening, when conducted, is accurate.
- .55 Training shall also be provided to volunteers and to the staff of other organizations and agencies that the county may use for prescreening and providing program information. The training shall be in sufficient detail and frequency to insure that information provided to low-income households is accurate.
- .56 The county shall provide training on all the eligibility criteria and certification procedures, including the processing standards, to eligibility workers and supervisors before they begin to certify households under these regulations. The requirements for public participation in training sessions shall be implemented with these training sessions. The county shall, during conversion to the new rules, provide training promptly where program reviews indicate that training is needed to ensure the accurate implementation of these regulations.

.6 Forms

The CWD shall use the forms prescribed in the Food Stamp Manual to collect, document, and/or report Food Stamp Program information. Any modification or substitution of forms prescribed in the Food Stamp Manual shall be approved by SDSS-Food Stamp Program Management Branch prior to use. Procedures for approval are contained in Handbook Section 63-1250.

63-203 NONDISCRIMINATION COMPLIANCE**63-203****.1 Requirement**

Counties shall not discriminate against any applicant or participant in any aspect of program administration, including, but not limited to, the certification of households, the issuance of coupons, the conduct of fair hearings, or the conduct of any other program service in accordance with the provisions of Division 21.

.2 Right to File a Complaint

Individuals who believe that they have been subject to discrimination may file a complaint in accordance with Division 21.

63-204 PROGRAM MONITORING SYSTEMS**63-204**

[Reserved]

**63-205 LOCATION AND HOURS OF OPERATION OF CERTIFICATION AND
ISSUANCE SERVICES****63-205****.1 Levels of Certification Services**

Counties are responsible for determining the location and hours of operation of certification services available to food stamp applicants and participants based on assessment of their needs. Basic certification services consist of distributing and accepting applications, interviewing applicants, and accepting notices of change in household circumstances.

63-300 APPLICATION PROCESS**63-300****.1 General Purpose**

The application process includes filing and completing an application form, being interviewed, and having certain information verified. The County Welfare Department shall act promptly on all applications and provide food stamp benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. Expedited service shall be available to households in immediate need. Specific responsibilities of households and county welfare departments in the application process are detailed below.

.2 Application Form and Form Deviation

All applications for Food Stamp Program eligibility shall be made on a simplified, uniform state application form, the DFA 285-A1 and DFA 285-A2.

- .21 Applicants shall not be required to complete any CWD developed prescreening form. Prescreening means gathering information to perform a preliminary review of eligibility for participation in the Food Stamp Program. Prescreening does not include gathering information to refer an applicant to the appropriate program or office. The CWD shall use only the DFA 285-A1 as the screening device for identifying households entitled to expedited service and shall determine eligibility for participation in the Food Stamp Program using the forms specified in Section 63-300.2.

.22 Recertification of Monthly Reporting Households

Households which are subject to the food stamp monthly reporting requirements as specified in Section 63-505.2 shall have their food stamp eligibility redetermined by using the DFA 285-A2 and the Monthly Eligibility Report (CA 7) for the budget month that corresponds to the first month of the new certification period.

.23 Recertification of Nonmonthly Reporting Households

Households which are not subject to the food stamp monthly reporting requirements shall have their food stamp eligibility redetermined by using the DFA 285-A1 and the DFA 285-A2.

.3 Filing, Notice of Right to File and Withdrawal

Households must file food stamp applications by submitting the forms to the food stamp office either in person, through an authorized representative or by mail. The length of time to deliver benefits is calculated from the date the application is filed in the food stamp office designated by the county welfare department to accept the household's application. Each household shall be advised of their right to file an application on the same day it contacts the food stamp office during office hours (63-300.32). The household shall also be advised that it does not have to be interviewed before filing the application and may file an incomplete application form as long as the form contains the applicant's name and address, and is signed by a responsible member of the household or the household's authorized representative. The county welfare department shall document the date the application was filed by recording on the application the date it was received by the food stamp office.

63-300 APPLICATION PROCESS (Continued)**63-300****.31 Contacting the Food Stamp Office**

The county welfare department shall encourage households to file an application form the same day the household or its representative contacts the food stamp office in person or by telephone and expresses interest in obtaining food stamp assistance. If a household contacting the food stamp office by telephone does not wish to come to the appropriate office to file the application that same day and instead prefers receiving an application through the mail, an application form shall be mailed to the household on the same day the telephone request is received. An application shall also be mailed on the same day a written request for food assistance is received.

Where the county welfare department has designated certification offices to serve specific geographic areas, households may contact an office other than the one designated to service the area in which they reside. If a household contacts the wrong certification office within the county, either in person or by telephone, the certification office shall, in addition to meeting the above requirements, give the household the address and telephone number of the appropriate office. The certification office shall also offer to forward the household's application to the appropriate office on that same day if the household has completed enough information on the application to file. The household shall be informed that its application will not be considered filed and the processing standards shall not begin until the application is received by the appropriate office. If the household has mailed its application to the wrong office the certification office shall mail the application to the appropriate office on the same day as received. The filing date will be the day the appropriate office receives the application.

The county welfare department shall make application forms readily accessible to potentially eligible households and those groups and organizations involved in outreach efforts. The application form shall be provided to anyone who requests the form.

.32 Notice of Right to File

The county welfare department shall post signs in the certification office which explain the application processing standards and the right to file an application on the day of initial contact.

.34 Withdrawing Application

The household may voluntarily withdraw its application at any time prior to the determination of eligibility. The county welfare department shall document in the case file the reason for withdrawal, if any was stated by the household, and that contact was made with the household to confirm the withdrawal. The household shall be advised of its right to reapply at any time subsequent to a withdrawal.

.35 Identifying Special Need Cases

The county welfare department's application procedures shall be designed to identify applicant households that are eligible for the following special need provisions:

- (1) Expedited Services (Section 63-301.5);
- (2) Excess medical cost deduction for elderly and disabled household members (Section 63-502.33);
- (3) Separately computed dependent care and shelter cost deductions for elderly and disabled household members (Sections 63-502.33 and .34).

63-300 APPLICATION PROCESS (Continued)**63-300****4 Interviews**

All applicant households, including those submitting applications by mail, shall have face-to-face interviews in a food stamp office or other certification site with a qualified eligibility worker prior to initial certification and all recertifications except when waived as noted below. Interview requirements for PA and GA applicants are detailed in Section 63-301.6. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The individual interviewed may bring any person he/she chooses to the interview. The interviewer shall not simply review the information that appears on the application, but shall explore and resolve with the household unclear and incomplete information and document any changes in household circumstances that have occurred between the time the application was filed and the time of the certification interview. Households shall be advised of their rights and responsibilities during the interview, including the appropriate application processing standard and the household's responsibility to report changes. In addition, the applicant shall be advised that eligibility will be determined without discrimination. The interview is an official and confidential discussion of household circumstances with the applicant. The applicant shall be made to feel at ease during the interview and in all instances the household's right to privacy shall be respected. Facilities shall be adequate to preserve the privacy and confidentiality of the interview. The scope of the interview shall not extend beyond the examination of household circumstances which directly relate to the determination of household eligibility and basis of issuance.

- .41 The CWD at the time of the interview, shall determine which households shall be subject to monthly reporting and/or retrospective budgeting, as specified in Section 63-505.2. Households subject to monthly reporting and/or retrospective budgeting requirements shall be provided with the following:

- .411 Written and verbal explanations of monthly reporting/retrospective budgeting;
- .412 A copy of the monthly report and an explanation of how the report shall be completed and submitted;
- .413 An explanation of the monthly reporting verification requirements that the household is responsible for meeting;
- .414 The telephone number and name of an eligibility worker which the household may call to ask questions or to obtain help in completing the monthly report.

- .42 Waiving the Interview (No Option)

The office interview shall be waived if requested by any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because they are 65 years of age or older, or are mentally or physically handicapped. The office interview shall also be waived if requested by any household which is unable to appoint an authorized representative and live in a location which is not served by a certification office.

- .43 Waiving the Interview (Case-by-case)

The CWD shall waive the office interview on a case-by-case basis for any household which is unable to appoint an authorized representative and which has no household members able to come to the food stamp office because of transportation difficulties or similar hardships which the CWD determines warrants a waiver of the office interview. These hardship conditions include, but are not limited to: illness, care of a household member, prolonged severe weather, or work hours which preclude in-office interview. The CWD shall determine if the transportation difficulty or hardship reported by a household warrants a waiver of the office interview and shall document in the case file why a request for a waiver was granted or denied.

63-300 APPLICATION PROCESS (Continued)**63-300****.44 Scheduling Interviews**

The CWD shall schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. If a household fails to appear for the first interview, the county welfare department shall attempt to schedule another interview. The interview shall be rescheduled by the CWD without requiring the household to provide good cause for failing to appear. However, if the household does not appear for the rescheduled interview, the county welfare department need not initiate action to schedule any further interviews unless the household requests that another interview be scheduled.

.44 When the Interview is Waived

The CWD has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. Home visits shall be used only if the time of the visit is scheduled in advance with the household.

Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary verification would normally be provided.

Waiver of the face-to-face interview shall not affect the length of the household's certification period.

There is no limit to how many times a household may be certified based on telephone interviews. However, the case file must be adequately documented each time the face-to-face interview is waived.

.45 Scheduling Interviews

The CWD shall schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. If a household fails to appear for the first interview, the CWD shall attempt to schedule another interview. The interview shall be rescheduled by the CWD without requiring the household to provide good cause for failing to appear. However, if the household does not appear for the rescheduled interview, the CWD need not initiate action to schedule any further interviews unless the household requests that another interview be scheduled.

5 Verification

Verification is the use of third-party information or documentation to establish the accuracy of statements on the application. Prior to determining eligibility for applicant households, sufficient information concerning the applicant's situation must be obtained in order for the EW to make an informed judgment as to the household's eligibility. Verification and documentation are tools for making this judgment and recording the decision-making process in the case file.

If obtaining verification of a deductible expense may delay the household's certification, the CWD shall advise the household that its eligibility and benefit level may be determined without providing a deduction for the claimed, but unverified expense.

If the expense cannot be verified within 30 days of the date of application, the CWD shall determine the household's eligibility and benefit level without providing a deduction for the unverified expense. If the household subsequently provides the missing verification, the CWD shall redetermine the household's benefits, and provide increased benefits, if any, in accordance with the timeliness standards in Section 63-504.35 for monthly reporting households and Section 63-504.42 for nonmonthly reporting households.

63-300 APPLICATION PROCESS (Continued)**63-300****.5 (Continued)**

The household shall be entitled to the restoration retroactive to the month of application of benefits denied as a result of the disallowance of the expense only if the expense could not be verified within the 30-day processing standard because the CWD failed to allow the household sufficient time, as defined in Section 63-301.4, to verify the expense. If the household would be ineligible unless the expense is allowed, the household's application shall be handled as provided in Section 63-301.4. For verification requirements for the monthly report, refer to Sections 63-504.325, .326 and .341.

.51 Mandatory Verification

The county welfare department shall verify the following information prior to certification for households initially applying:

.511 Gross Nonexempt Income

Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the county welfare department and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information.

.512 Alien Status

Based on the application, the county welfare department shall determine if members identified as aliens are eligible aliens, as defined in 63-403 by requiring that the household present verification for each alien member. Specific requirements for verification of alien status are addressed in 63-403.

.513 Identity

The applicant's identity shall be verified. When an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household shall be verified. Identity may be verified through readily available documentary evidence, or if this is unavailable, through a collateral contact. Examples of acceptable documentary evidence which the applicant may provide include, but are not limited to:

- a Social Security card or other document containing the Social Security number,
- a driver's license,
- a work or school ID,
- an ID for health benefits or for another assistance program,
- wage stubs, or
- a birth certificate.

Any documents which reasonably establish the applicant's or his or her authorized representative's identity must be accepted, and no requirement for a specific type of document may be imposed.

.514 Social Security Numbers (See Section 63-404.)**.515 Residency**

The residency requirements of Section 63-401 shall be verified except as provided in .515a. Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to:

- rent or mortgage payments,
- utility expenses, and
- identity.

If verification cannot be accomplished in conjunction with the verification of other information, a collateral contact or other readily available documentary evidence shall be used. Any documents or collateral contact which reasonably establish the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed.

63-300 APPLICATION PROCESS (Continued)**63-300**

- a. In certain unusual cases, such as some migrant farm worker households or households newly arrived in the community, verification of residency may be impossible to obtain or may not exist. In such instances, if the applicant, with the county's assistance, has made reasonable efforts to obtain verification and (1) verification cannot be obtained and (2) the applicant's statement regarding residency is not questionable as defined in Section 63-300.53, the county shall proceed with certification if the household is otherwise eligible. The determination that verification of residency cannot be obtained shall be documented in the case file, per Section 63-300.55. Verification of residency shall be provided by these households prior to their next certification.

.516 Continuing Shelter Charges

- Those shelter costs specified in Section 63-502.35, other than utilities, shall be verified if allowing the expense could potentially result in a deduction. For example, if the household's child care expenses exceeded the maximum for combined dependent care/excess shelter deduction, rent would not be verified since the amount of rent could not affect the amount of the deduction. However, verification shall be accomplished if the amount of rent is questionable and there is strong indication that the expense could affect the amount of the deduction. Once this verification has been accomplished, the EW is not permitted to reverify this expense unless the household has moved, reported an increase in the amount of its shelter costs that would potentially affect the amount of the deduction (in which case only those changed individual costs would be reverified), or unless questionable as defined in Section 63-300.52.

(a) Utility Expenses

The CWD shall verify a household's utility expenses if the household wishes to claim its actual utility expense. If the household lives with and shares utility expenses with others and wishes to claim its actual utility expense, the CWD shall verify the actual utility expenses paid by the household. If the household's actual utility expenses cannot be verified before the 30 days allowed to process the application expire, the CWD shall use the SUA, provided the household is entitled to use the SUA as specified in Section 63-502.36. If the household wishes to claim expenses for an unoccupied home, the CWD shall verify the household's actual utility expenses for the unoccupied home in every case and shall not use the SUA. Verification of utility costs of an unoccupied home outside the county is the responsibility of the household (see Section 63-300.524a).

(b) Entitlement to the Standard Utility Allowance

For those households entitled to claim the standard utility allowance (i.e., households who incur the cost of heating and/or cooling separate and apart from rent or mortgage payments), the EW shall verify that the household actually incurs a utility expense. The EW is not permitted to verify more than one utility unless circumstances are questionable. Verification of the utility expense is done on a one-time basis unless the household has moved, changed its utilities, or unless questionable.

.517 Medical Expenses

The amount of any medical expenses deductible under Section 63-502.33 shall be verified prior to being allowed. Verification of other factors, such as the allowability of costs incurred or the eligibility for such a deduction of the person incurring the cost, shall be required if questionable. If obtaining verification of a medical expense may delay the household's certification, the EW shall advise the household that its eligibility and benefit level may be determined without providing a deduction for the claimed but unverified expense.

63-300 APPLICATION PROCESS (Continued)**63-300****.518 Sponsored Alien**

For sponsored aliens, the CWD shall verify the factors of eligibility specified in Section 63-503.53. The sponsored alien must provide all verification required by Section 63-403.32 and .33.

.52 Optional Verifications

The CWD may elect on a countywide basis to mandate verification of one or more of the items in Sections 63-300.521, .522, and .523. However, if the CWD does not choose to mandate verification of any particular item, that item must be verified if it is questionable, as defined in Section 63-300.53. For households subject to monthly reporting requirements, as specified in Section 63-505.2, only Sections 63-300.522 and .523 shall remain optional. If the CWD elects to mandate verification of any or all of the items in Sections 63-300.521, .522 and .523 the CWD shall first obtain SDSS and FNS approval. To obtain approval, the CWD must demonstrate that significant program dollar loss in the county is attributable to the factor(s) for which the CWD proposes to use an option for expanded verification, and the loss is likely to be decreased by expanded verification. The request for approval must be submitted in writing to SDSS. SDSS will approve or disapprove each request. All requests that are approved by SDSS will be forwarded to FNS for final approval.

.521 Dependent Care Costs

For those households not subject to monthly reporting requirements which are claiming dependent care costs, as specified in Section 63-502.34, the EW may verify the actual amount of cost incurred if allowing the expense could potentially result in a deduction. Once this verification has been accomplished, the EW shall not reverify this expense unless the provider has changed, the amount has changed and the change could potentially affect the amount of the deduction, or unless questionable as defined in Section 63-300.53.

63-300 APPLICATION PROCESS (Continued)**63-300****.522 Liquid Resources and Loans**

The county welfare department may verify liquid resources and whether monies received by households are loans. When verifying whether income is exempt as a loan, a legally binding agreement is not required. A simple statement signed by both parties which indicates that the payment is a loan and must be repaid shall be sufficient verification. However, if the household receives payments on a recurrent or regular basis from the same source but claims the payments are loans, the county welfare department may also require that the provider of the loan sign an affidavit which states that repayments are being made or that payments will be made in accordance with an established repayment schedule.

.523 Household Size

The size of the household may be verified. All other factors involving household composition shall be verified only if questionable in accordance with Section 63-300.531. Verification of household size shall be accomplished through a collateral contact or readily available documentary evidence. Examples of acceptable documentary evidence include, but are not limited to:

- school records,
- census records,
- marriage records, or
- any documents which establish identity such as those examples listed in Section 63-300.513.

Any documents which reasonably establish household size must be accepted and no requirement for a specific type of document may be imposed.

.53 Verification of Questionable Information

With the exception of those items contained in Sections 63-300.521, 63-300.522, and .523 which the CWD has opted to verify, the county welfare department shall verify all other factors of eligibility prior to certification only if they are questionable as defined in this section and affect a household's eligibility or benefit level. If the CWD has not mandated verification of those items in Sections 63-300.521, and .522, and .523 those items shall also be verified only if questionable. To be considered questionable, the information on the application must be inconsistent with statements made by the applicant, inconsistent with other information on the application or previous applications, or inconsistent with information received by the county welfare department. When determining if information is questionable, the county welfare department shall base the decision on the household's individual circumstances. A household's report of expenses which exceed its income prior to deductions may be grounds for a determination that further verification is required. In some instances, a household's report of no income prior to deductions, while still managing its financial affairs, could also justify the need for additional verification.

However, these circumstances shall not, in and of themselves, be grounds for a denial. The eligibility worker shall instead explore with the household how it is managing its finances, whether the household receives excluded income or has resources, and how long the household has managed under these circumstances. Procedures described below shall apply when information concerning one of the following eligibility requirements is questionable:

63-300 APPLICATION PROCESS (Continued)**63-300****.56 Documentation**

Case files must be documented to support eligibility, ineligibility, and benefit level determinations. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination. For public assistance cases, public assistance verification rules and documentation shall be acceptable for eligibility factors which must be verified to determine both public assistance and food stamp eligibility. For counties keeping separate PA and FS files, the FS case file must contain a notation that documentation of eligibility factors has been obtained and is contained in the PA case file. The household shall not be required to provide duplicate documentation to the CWD. Where verification was required to resolve questionable information, the EW shall document why the information was considered questionable, or at a minimum indicate where in the case file the inconsistency exists, and what documentation was used to resolve the questionable information. The EW shall document (except where a collateral contact is used to verify residency or household size) the reason why an alternate source of verification, such as a collateral contact or home visits, was needed, and the reason a collateral contact was rejected and an alternate requested.

.57 BENDEX

Reserved.

.58 State Data Exchange (SDX)

Reserved.

.59 (Repealed by Manual Letter No. 83-73, 1/1/84)

63-301 APPLICATION PROCESSING TIME STANDARDS**63-301****.1 Normal Processing Standard**

The CWD shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but not later than 30 calendar days following the date the application was filed. See Table I. An application is filed the day the appropriate food stamp office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in Section 63-301.5.

.2 Opportunity to Participate

An opportunity to participate consists of providing households with an Authorization to Participate card (ATP) or other authorization and having an issuance facility open and available for the household to obtain its allotment. If the ATP or coupons are mailed, two days shall be allowed for delivery before determining if the household has been provided an opportunity to participate within the 30-day standard. A household has not been provided an opportunity to participate if the ATP or allotment is mailed on the 29th or 30th day nor has an opportunity to participate been provided if the ATP is mailed on the 28th day but no issuance facility is open on the 30th day. The CWD shall mail the ATP at least two days in advance of the 30th day and assure that the ATP can be transacted after it is received but before the 30-day standard expires.

.3 Denying the Application

Households that are found to be ineligible shall be sent a Notice of Denial as soon as possible but not later than 30 days following the date the application was filed. See Table I. If the household has failed to appear for two scheduled interviews and has made no subsequent contact with the CWD to express interest in pursuing the application, the CWD shall send the household a Notice of Denial by the 30th day following the date the application was filed. But, the CWD shall reopen the case without requiring a new application if the applicant makes an office visit for the rescheduled interview anytime within the 30-day application processing period.

In cases where the CWD was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the application may be denied on the 30th day if the CWD provided assistance to the household in obtaining verification when required as specified in Section 63-300.5 but the household failed to provide the requested verification. If the CWD denies the application, the household must file a new application if it wishes to participate in the program.

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)**63-301****.44 Delays Beyond 60 Days**

- .441 If the CWD is at fault for not completing the application process by the end of the second 30-day period, and the case file is otherwise complete, the CWD shall continue to process the original application until an eligibility determination is reached. If the household is determined eligible, and the CWD was at fault for the delay in the initial 30 days, the household shall receive benefits retroactive to the month of application. However, if the initial delay was the household's fault, the household shall receive benefits retroactive only to the month following the month of application. The CWD may use the original application to determine the household's eligibility and any supplemental information provided by the household in response to the Notice of Pending or Denial Status sent in the second 30-day period (see Section 63-301.421).
- .442 If the CWD is at fault for not completing the application process by the end of the second 30-day period, but the case file is **not** complete enough to reach an eligibility determination, the CWD shall continue to pend the case and notify the household what information is needed to complete the application. The household shall also be advised of its **possible** entitlement to benefits lost as a result of the CWD's failure to process the application in the second 30-day period. If the CWD was also at fault for the delay in the initial 30 days, the amount of benefits lost would be calculated from the month of application. If, however, the household was at fault for the initial delay, the amount of benefits lost would be calculated from the month following the month of application.
- .443 If the household is at fault for not completing the application process by the end of the second 30-day period, the CWD shall deny the application and require the household to file a new application if it wishes to participate. If however, the CWD has chosen the option of holding the application pending only until 30 days following the date of the initial request for the particular verification that was missing, and verification is not received by that 30th day, the CWD may immediately close the application. A Notice of Denial need not be sent if the Notice of Pending Status informed the household that it would have to file a new application if verification was not received within 30 days of the initial request. The household shall not be entitled to any lost benefits, even if the delay in the initial 30 days was the fault of the CWD.

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)**63-301****.5 Expedited Service****.51 Entitlement to Expedited Service**

The following households, if otherwise eligible, are entitled to expedited service provided their liquid resources as defined in Section 63-501.11 do not exceed \$100:

.511 Households with less than \$150 in monthly gross income as defined in Section 63-502.1, or

.512 Migrant or Seasonal farmworker households who are destitute as defined in 63-503.4.

.52 Identifying Households Needing Expedited Service

The CWD's application procedures shall be designed to identify households eligible for expedited service at the time the household requests assistance. A CWD employee or volunteer shall inform potential applicants of the right to expedited service for qualifying households and how to initiate the process, and shall be responsible for screening applications as they are filed. The screening shall consist of a review of the DFA 285-A1 if the applicant elected to complete the expedited service section. The CWD shall immediately forward the application for processing when it is determined that the applicant is entitled to expedited service. The CWD shall also advise individuals who inquire about the Food Stamp Program by telephone of the expedited service processing standards for qualifying households.

.521 Retrospectively budgeted households shall only be entitled to expedited services at initial application.

.53 Processing Standards

All households receiving expedited services, except those receiving expedited services during months in which allotments are suspended or cancelled shall have the case processed in accordance with the following regulations. Those households receiving expedited services during a suspension or cancellation shall have their cases processed in accordance with Sections 63-107.862 and .863.

.531 Expedited Service Households

For households entitled to expedited service, except as specified in Sections 63-301.532 and .533 below, the CWD shall mail the household's ATP or coupons no later than the close of business of the fifth calendar day following the date the application was filed.

The CWD shall offer the household the option of having the ATP or coupons mailed by the fifth calendar day or of having the ATP or coupons available for the household or its authorized representative to pick up no later than the start of business of the fifth calendar day following the date the application was filed. In counties that use an HIR issuance system and that do not provide any mail issuance, the county shall have the coupons available for the household or its representative to pick up no later than the start of business of the fifth calendar day following the date the application was filed.

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)**63-301****.532 Drug Addicts and Alcoholics and Residents of Group Living Arrangements**

For residents of drug addiction or alcoholic treatment and rehabilitation centers and residents of group living arrangements who are entitled to expedited service, the CWD shall mail ATP or coupons, or have the ATP or coupons available to be picked up no later than seven working days following the date the application was filed.

.533 Out-of-Office Interviews

A special procedure is established for households entitled to both expedited service and a waiver of the office interview. If a household mails an application and it contains sufficient information to indicate that the household is entitled to expedited service and out of office certification, the CWD shall conduct the interview (unless the household cannot be reached), and complete the application process within the expedited service standards. The first day of the count is the first calendar day following the filing of the application. If the application is not complete, and the CWD conducts a telephone interview of the applicant, the CWD shall mail the application to the household for signature. The mailing time involved shall not be calculated in the expedited service standards. Mailing time shall only include the days the application is in the mail to and from the household and the days the application is in the household's possession pending signature and return mailing.

.534 Late Determinations

If the prescreening required in Section 63-301.52 fails to identify a household as being entitled to expedited service and the CWD subsequently discovers that the household is entitled to expedited service, the CWD shall provide expedited service to the households within the processing standards described in Sections 63-301.531 and .532, except that the processing standards shall be calculated from the date the CWD discovers the household is entitled to expedited service **and not the date the application was filed.**

.54 Special Procedures for Expediting Service**.541 The CWD shall use the following procedures when expediting certification and issuance:**

- (a) In all cases, the identity of the individual making application shall be verified through a collateral contact or readily available documentary evidence as specified in Sections 63-300.513.
- (b) All reasonable efforts shall be made to verify within the expedited processing standards, the household's residency, income statement, (including a statement that the household has no income), liquid resources, and all other factors required by Section 63-300.51 through collateral contacts or readily available documentary evidence. However, benefits shall not be delayed beyond the delivery standards prescribed in 63-301.53 solely because these eligibility factors have not been verified. Except as provided for in Sections 63-403.31 and .32, verification of these eligibility factors shall be postponed if unobtainable within the expedited processing standards.
- (c) Households entitled to expedited service shall be subject to the social security number provisions of Section 63-404.1.
- (d) The applicant shall be required to register for work prior to certification unless exempt from this requirement per Section 63-407.2. The applicant may complete the work registration Form DE 8435 FS for each household member required to register for employment. The CWD shall attempt to register all other household members subject to the requirements of Section 63-407.1 and to verify questionable work registration exemptions, but shall postpone these efforts if they cannot be accomplished within expedited service time frames.

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)**63-301**

.542 Once the household has supplied the name of a collateral contact or has asked the CWD for assistance in locating a collateral contact, the CWD shall promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification.

.543 Households that are certified on an expedited basis and have provided all necessary verification required by Section 63-300.5 prior to certification shall be assigned a normal certification period. For nonmonthly reporting households, if verification was postponed, those households that apply before the 15th day of the calendar or fiscal month shall be certified for one month only. Benefits for the initial month shall be prorated from the date the application was filed to the end of that calendar or fiscal month. Households shall reapply and complete the verification which was postponed, unless they have been certified under normal processing standards since the last expedited certification.

Nonmonthly reporting households applying after the 15th day of the calendar or fiscal month shall be certified only for the month of application, and the subsequent month.

Monthly reporting households with postponed verification will be assigned a normal certification period in accordance with Section 63-504.1.

(a) When a certification period of longer than one month is assigned, the CWD shall notify the household in writing that no further benefits shall be issued until the postponed verification is completed and that the household's participation shall be terminated if the verification is not completed within 30 days following the date the application was filed. The notice shall also advise the household that if verification results in changes in the household's eligibility or level of benefits, the CWD shall act on those changes without advance notice.

(b) When households which apply for benefits after the 15th of the month provide the postponed verification the CWD shall issue the second month's benefits within five working days from receipt of the verification or the first of the second month, whichever is later.

(c) Migrant households eligible for expedited service and which are applying after the 15th of the month and which are assigned certification periods of longer than one month, shall be notified in writing that they shall provide postponed verification from sources within the state before a second month's benefits are issued and shall also provide all verification from out-of-state sources before being issued benefits for the third month. This notice shall also advise the household that if verification results in changes in the household's eligibility or level of benefits, the CWD shall act on those changes without advance notice of adverse action. Migrant households shall be entitled to postpone out-of-state verification only for the initial month of certification after any other period of participation during the migrant farm season.

(1) For purposes of this section, a migrant farm season is defined as having a clear beginning point and ending point between which migrant farmworkers travel. When they are not migrating to work they are residing at one location which they regard as home. In this case, the season would be the period during which the migrants are traveling to work. If a migrant farmworker travels constantly with no break period, the season shall be considered the calendar year.

.544 There is no limit to the number of times a household can be certified under expedited service procedures, as long as prior to each expedited certification, the household either completes the verification requirements that were postponed at the last expedited certification or was certified under normal processing standards since the last expedited certification.

.545 Households requesting, but not entitled to expedited service shall have their applications processed according to normal standards.

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)**63-301****.6 PA Households**

Households in which all members are applying for public assistance (PA) shall be allowed to apply for food stamp benefits at the same time they apply for PA benefits. These households' food stamp eligibility and benefit levels shall be based solely on food stamp eligibility criteria, and the households shall be certified in accordance with the notice, procedural and timeliness requirements of the food stamp regulations.

.61 Single Interview

The CWD shall conduct a single interview at initial application for both public assistance and food stamp purposes, except as provided in Section 63-301.611. PA households shall not be required to see a different eligibility worker or otherwise be subjected to two interview requirements to obtain the benefits of both programs. Following the single interview, the application may be processed by separate workers to determine eligibility and benefit levels for food stamps and public assistance. A household's eligibility for food stamp out-of-office interview provisions in 63-300.42 does not relieve the household of any responsibility for a face-to-face interview to be certified for PA.

.611 The CWD may hold a separate food stamp interview if necessary to prevent any delay in the processing of expedited service.

.62 Verification Procedures

For households applying for both public assistance and food stamps, the verification procedures described in Section 63-300.5 shall be followed for those factors of eligibility which are needed solely for purposes of determining the household's eligibility for food stamps. For those factors of eligibility which are needed to determine both PA eligibility and food stamp eligibility, the CWD may use the PA verification rules. However, the CWD shall not delay the household's food stamp benefits if, at the end of 30 days following the date the application was filed, the CWD has sufficient verification to meet the verification requirements of Section 63-300.5 but does not have sufficient verification to meet the PA verification rules.

.63 Processing Standards and Procedures

As a result of differences in PA and food stamp application processing procedures and timeliness standards, the CWD may have to determine food stamp eligibility prior to determining the household's eligibility for PA payments. Action on the food stamp application shall not be delayed nor the application denied on the grounds that the PA determination has not been made.

.631 The CA 1 is the official application for public assistance and is used in conjunction with the CA 2 Statement of Facts. When all members of a household apply for both food stamps and public assistance, the CA 1 shall serve as the control document for the 30-day processing period. PA applicant households not desiring food stamps shall either enter a signed statement to this effect on the CA 1 or check the appropriate box on the CA 2. If a PA applicant household does not check the box marked food stamps on the CA 1 or specifically indicate that they do not wish food stamps, the household's application shall nonetheless be considered a request for both PA and food stamps unless it is determined otherwise during the interview.

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)**63-301**

- .632 For monthly reporting households, the CWD shall use its best estimate of the amount and date of receipt of the initial PA payment. If the PA payment will not be received until a subsequent month, the CWD shall vary the household's food stamp benefit level according to the estimated receipt of the payment and notify the household (DFA 377.1).
- .633 For migrant farmworker households, the CWD shall anticipate the amount and date of receipt of the initial PA payment. If the PA payment will not be received until a subsequent month, the CWD shall vary the household's benefit level according to the anticipated receipt of the payment and notify the household (DFA 377.1).
- a. If the amount or date of receipt of the initial PA payment cannot be reasonably anticipated at the time of the food stamp eligibility determination, the PA payment shall be handled as a change in circumstances. However, the CWD is not required to send a notice of adverse action if the receipt of the PA grant reduces or terminates the household's food stamp benefits, provided the household is notified in advance that its benefits may be reduced or terminated when the grant is received.
- .634 For all households, portions of initial PA payments intended to retroactively cover a previous month shall be disregarded as lump sum payments as specified in Section 63-502.2.

.7 GA Households

County welfare departments shall advise all GA applicant households of their potential eligibility for food stamp benefits and provide these households with food stamp application Form DFA 285A.

Counties shall allow households in which all members are applying for GA benefits to leave a signed food stamp application DFA 285A, which contains, at a minimum, the household's name and address, at the GA office. The GA office shall forward these applications that same day to the appropriate food stamp office for processing. The procedural and timeliness requirements that apply to the non-PA application process shall begin when the food stamp office receives the application. Since there may be a delay involved in the transferring of applications from GA office to food stamp offices, households shall be advised that they may receive faster service if they take the application directly to the food stamp office.

.8 Mixed Food Stamp Households

CWDs may use the joint application processing procedures in Section 63-301.6 for a food stamp applicant household in which some, but not all, members are in the PA filing unit. This decision shall not be made on a case-by-case basis, but shall be applied uniformly to all households of this type in the county.

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)**63-502**

- .363 Except as provided in Section 63-502.362, the household shall be advised that it may, instead of using the SUA, deduct its total actual utility costs if the household can verify these costs. Households shall not be allowed to switch between the actual utility costs and the SUA. For a period of 12 months following initial certification and may switch no more frequently than once every 12 months thereafter.
- .364 The SUA for food stamp households shall be adjusted annually for SDSS to reflect any increases or decreases in the cost-of-living occurring after June, 1982, so that the first such adjustment becomes effective January 1, 1983 and subsequent adjustments shall take effect each January 1 thereafter. The cost-of-living shall be calculated by SDSS based on the weighted average of the Fuel and Other Utilities Index of the Consumer Price Index for All Urban Consumers (CPI-U), as published by the U.S. Department of Labor, Bureau of Labor Statistics for Los Angeles-Long Beach-Anaheim, San Francisco-Oakland, and San Diego. The weighting factor for each area is as used by the State Department of Industrial Relations to calculate the California Consumer Price Index (CCPI). The percentage change to be determined shall be for a 12-month period ending with June of the preceding year for which the cost-of-living adjustment will take effect. The SUA in effect during the month of January preceding the calendar year in which the adjustment is to take place will be increased by the 12-month percentage change, with the resulting SUA to be rounded to the nearest dollar. The resultant amount shall constitute the new SUA (see Handbook Section 63-1101).
- .365 When the SUA is revised due to the annual adjustments, it shall be applied to all households on the effective date of the revised SUA (see Section 63-1101). The change to the new SUA shall not be considered a switch from the actual amounts to the SUA for purposes of Section 63-502.353.

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS**63-503****.1 Month of Application**

- .11 A household's eligibility shall be determined for the month of application by considering the household's circumstances existing on the date of interview, except as otherwise specified in Sections 63-408 (Job Search), 63-501.6 (Resource Transfers), 63-503.212 (Income Determinations), and 63-503.43 (Destitute Households).
- .12 A calendar month shall be used for certification and issuance purposes. However, a CWD may, with prior SDSS and FNS approval, use a fiscal month if the CWD determines that it is more efficient and satisfies SDSS that the accounting procedures fully comply with certification and issuance requirements contained in these regulations. A CWD may elect to use either one fiscal month for all households, or more than one fiscal month with varying beginning dates based on the date a household files an application.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503**

- .13 A household's prorated benefit level for a) the initial month of certification, or b) the first month for which the household is certified for participation in the Food Stamp Program following any period during which the household was not certified for participating, shall be based on the date the application is received in the appropriate office; see Section 63-301.1. Using a calendar or fiscal month, a household shall receive benefits prorated from this date to the end of the month. Refer to Handbook Section 63-1101 for Reciprocal Table for computing first month benefits. (See Sections 63-504.1 for certification periods and Section 63-504.2 for notice requirements.) For purposes of prorating, the initial month of certification shall include initial applications, as defined in Section 63-102(jjj)(1).
- .131 After determining the prorated allotment, the CWD shall round the product down to the nearest lower whole dollar. If the computation results in an allotment of less than \$10, then no issuance shall be made for the whole month.
- .14 Because of reported, estimated or anticipated changes, a household may be eligible for the month of application, but ineligible in the subsequent month. The household shall be entitled to benefits for the month of application even if the processing of its application results in the benefits being issued in the subsequent month. (See Sections 63-504.1 for certification periods and Section 63-504.2 for notice requirements.) Similarly, a household may be ineligible for the month of application, but eligible in the subsequent month due to reported, estimated or anticipated changes in circumstances. Even though denied for the month of application, the household does not have to reapply in the subsequent month. The same application shall be used for the denial for the month of application, and for the determination of eligibility for subsequent months, within the timeliness standards in Section 63-301.1.
- .15 As a result of reported, estimated or anticipated changes, the household's allotment for the month of application may differ from its allotment in subsequent months. The household's allotment shall vary from month to month to reflect actual changes reported during the certification period or those changes anticipated at the time of certification unless the averaging techniques in Sections 63-503.212(b), .242(c) or .252 are used. The CWD shall establish the household's certification period in accordance with Section 63-504.1.

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS
(Continued)**63-503****.2 Determining Resources, Income and Deductions****.21 Prospective Budgeting in the Beginning Months for Households Who Shall be Subject to Retrospective Budgeting****.211 Determining Resources**

The household's resources at the time of the interview shall be used to determine the household's eligibility, in accordance with Sections 63-501 and 63-409.2.

.212 Determining Income

The CWD shall determine food stamp eligibility according to the household's gross and/or net income as specified in Section 63-503.32. The CWD, in determining the household's eligibility, shall determine what sources are exempt from consideration as income per Section 63-502.14 and Section 63-502.2. If an applicant household is destitute, as defined in Section 63-503.43, the CWD shall compute its gross income in accordance with Section 63-503.434.

(a) Actual Income

For purposes of determining the household's eligibility and level of benefits during the beginning months, the CWD shall take into account the actual income already received by the household during the month of application and the CWD's and household's best estimate of income which will be received during the remaining beginning months. This estimate shall be based on the CWD's reasonable expectation and knowledge of the household's current, past, or future income.

(b) Averaging Income

Households subject to retrospective budgeting shall not have their income averaged, even if their income fluctuates from month to month, except as provided below:

- (1) Self-employment income received less often than monthly. Households which derive their annual income in a period of time shorter than one year shall have that income averaged over a 12-month period.
- (2) Nonexcluded scholarship, deferred educational loan, and educational grant income received less often than monthly. Households which receive scholarships, deferred educational loans, or other educational grants shall have such income, after exclusions, averaged over the period it is intended to cover.
- (3) Contract income. Households which derive their annual income, by contract, in a period of time shorter than one year shall have that income averaged over the period it is intended to cover, provided the income from the contract is not earned on an hourly or piece-work basis.

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS
(Continued)**63-503**

(c) Income Only in the Month Received

- (1) Income estimated during the beginning months shall be counted as income only in the month it is expected to be received, unless the income is averaged. Whenever a full month's income is expected but is received on a weekly or biweekly basis, the CWD shall use the exact monthly figure whenever possible. If the exact figure is not available, the CWD shall use its best estimate.
- (2) Wages held at the request of the employee shall be considered income to the household in the month the wages would otherwise have been paid by the employer. However, wages held by the employer as a general practice, even if in violation of law, shall not be counted as income to the household, unless the household anticipates that it will ask for and receive an advance, or that it will receive income from wages that were previously held by the employer as a general practice and that were, therefore not previously counted as income by the CWD. Advances on wages shall count as income in the month received based on the CWD's best estimate, in accordance with Section 63-503.212(a).
- (3) Households receiving assistance payments such as PA or GA benefits, or social security payments on a recurring, monthly basis, shall not have their monthly income from these sources varied merely because mailing cycles may cause two payments to be received in one month and none in the next month.

.22 Transitioning Households from Prospective to Retrospective Budgeting

A household's benefit level shall be computed prospectively during the beginning months of the household's certification period by considering all factors of eligibility. The prospective determination of eligibility and benefit level shall be based on the CWD's best estimate of the income and other circumstances which will exist for that household during the beginning months.

- .221 If the household has two beginning months, when the CWD receives the household's first CA 7 during the second beginning month, the CWD shall continue to prospectively determine the household's eligibility, but the CWD shall issue benefits retrospectively for month three based on the actual information reported on the CA 7 for month one except as specified in Section 63-503.232(c).
- .222 If the household has three beginning months, when the CWD receives the household's second CA 7 during the third beginning month, the CWD shall continue to prospectively determine the household's eligibility, but the CWD shall issue benefits retrospectively for month four based on the actual information reported on the CA 7 for month two, except as specified in Section 63-503.232(c).

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.23 Households Subject to Retrospective Budgeting After the Beginning Months****.231 Prospective Eligibility**

The CWD shall continue to prospectively determine food stamp eligibility after the beginning months. To make this determination the CWD shall act, in accordance with Sections 63-503.231(a), (b) and (c). The prospective eligibility determination shall determine whether or not a household continues to be eligible for benefits, it does not determine what benefit level a household is entitled to receive. A household is neither eligible for a restoration of benefits nor shall a claim be established against a household for an inaccurate estimate of a household's prospective eligibility.

(a) Determining Resources

Each month any reported changes in the household's resources shall be used in conjunction with the resources at the time of the interview to determine the household's prospective eligibility, in accordance with Sections 63-501 and 63-409.2.

(b) Determining Income

When the household's benefits are retrospectively budgeted, the CWD shall continue to prospectively determine food stamp eligibility according to the household's gross and/or net income as specified in Section 63-503.32. The CWD, in determining the household's prospective eligibility shall consider the household's actual reported budget month income or income that has been averaged for the budget month and anticipated income changes in the issuance month. For this actual, averaged, and anticipated income, the CWD shall determine what sources are exempt from consideration as income, per Sections 63-502.14 and 63-502.2.

(c) Household Composition

The CWD shall determine food stamp eligibility using the household's composition during the issuance month.

.232 Retrospective Budgeting

The CWD shall use the following income to retrospectively budget the household's level of benefits.

(a) Actual Income

For purposes of determining the household's level of benefits for the issuance month, the CWD shall take into account the household's actual reported income for the budget month.

(b) Averaged Income

For purposes of determining the household's level of benefits for the issuance month, the CWD shall take into account any income that has been averaged for the household for the budget month, as provided in Section 63-503.212(b).

(c) Income Only in the Month Received

When determining the household's level of benefits for the issuance month, the CWD shall count as income only that amount actually received by the household in the budget month, except as provided below:

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503**

- (1) Income that has been averaged, in accordance with Section 63-503.212(b).
- (2) Households receiving assistance payments such as PA or GA benefits, or social security payments on a recurring, monthly basis, shall not have their monthly income from these sources varied merely because mailing cycles may cause two payments to be received in one month and none in the next month.
- (3) Wages held at the request of the employee shall be considered income to the household in the month the wages would otherwise have been paid by the employer.
- (4) After the beginning months, the CWD paid grant for the issuance month shall be anticipated with reasonable certainty, as defined in Section 63-503.242(a)(1). The household shall be provided with a notice of any changes in its allotment as specified in Section 63-504.265.

(d) Discontinued Income

Any income that a household received in a beginning month from a source that no longer provides income to the household in the corresponding retrospectively budgeted month shall be disregarded when computing benefits for the issuance month, except as specified in Sections 63-503.232(d)(1) and (2). The CWD shall not disregard income which has been discontinued for the following reasons:

- (1) Income has been discontinued due to participation in a strike or quitting a job unless good cause has been determined in accordance with Section 63-408.3.
- (2) A household's income from any source is being used to recover prior overpayments in assistance programs such as, Aid to Families with Dependent Children (AFDC), and General Assistance (GA).

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.24 Determining the Eligibility and Benefit Level of Migrant Farmworker Households****.241 Determining Resources**

The household's resources at the time of the interview shall be used to determine the household's eligibility, in accordance with Sections 63-501 and 63-409.2.

.242 Determining Income

The CWD shall determine food stamp eligibility according to the household's gross and/or net income as specified in Section 63-503.32. The CWD, in determining the household's eligibility, shall determine what sources are exempt from consideration as income, per Sections 63-502.14 and 63-502.2. If an applying household is destitute, as defined in Section 63-503.43, the CWD shall compute its gross income, in accordance with Section 63-503.434.

(a) Anticipating Income

- (1) For purposes of determining the household's eligibility and level of benefits, the CWD shall take into account the income already received by the household during the month of application and any anticipated income the household and the CWD are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted.
- (2) A household anticipating income from a new source, such as a new job, may be uncertain as to the timing and amount of the initial payment. These monies shall not be anticipated by the CWD unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average, as provided in Section 63-503.242(c).
- (3) Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period. However, the CWD shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the CWD and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations, in future income.
- (4) If the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period rather than the last 30 days, as one indicator of anticipated income. The CWD shall exercise particular caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the CWD automatically attribute to the household the amounts of any past income. The CWD shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****(b) Income Only in the Month Received**

- (1) Income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged. The CWD shall use the exact monthly figure if it can be anticipated. Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the CWD shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15 if the exact amount is not known.
- (2) Wages held at the request of the employee shall be considered income to the household in the month the wages would otherwise have been paid by the employer. However, wages held by the employer as a general practice, even if in violation of law, shall not be counted as income to the household, unless the household asks for and receives an advance, or anticipates that it will receive income from wages that were previously held by the employer as a general practice and that were, therefore, not previously counted as income by the CWD. Advances on wages shall count as income in the month received only if reasonably anticipated, in accordance with Section 63-503.242(a).
- (3) Households receiving assistance payments such as social security payments on a recurring, monthly basis, shall not have their monthly income from these sources varied merely because mailing cycles may cause two payments to be received in one month and none in the next month.

(c) Averaging Income

- (1) Households, except destitute households, and PA households subject to a monthly reporting requirement for PA, may elect to have their income averaged. Income shall not be averaged for a destitute household since averaging would result in assigning to the month of application income from future period which is not available to the destitute household for its current food needs. To average income, the CWD shall use the household's anticipated income fluctuations over the certification period. The number of months used to arrive at the average income need not be the same as the number of months in the certification period. If fluctuating income for the past 30 days and the month of application are known and, with reasonable certainty, are representative of the income fluctuations anticipated for the coming months, the income from the two known months may be averaged and projected over a certification period of longer than two months.
- (2) Households which derive income by contract or self-employment, shall not have that income averaged.
- (3) Households which receive scholarships, deferred educational loans, or other educational grants shall have such income, after exclusions, averaged over the period for which it was provided.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.25 Determining Deductions For All Households**

Deductible expenses include only certain medical, dependent care, and shelter costs, as described in Section 63-502.3.

.251 Billed Expenses

Except as provided in Section 63-503.252, a deduction shall be allowed only for the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense. Rent which is due each month shall be included in the household's shelter expenses, even if the household has not yet paid the expense. Amounts carried forward from past billing periods shall not be deducted, even if included with the most recent billing and actually paid by the household. In any event, an allowable expense shall be deducted only once.

(a) For reimbursable medical expenses, or for those that the nonreimbursable portion is known or can be determined at the time of the billing, the period of deduction and past due expenses are established as follows:

- (1) If the billing period is specified on the bill, a deduction shall be allowed until the final day in the month that the bill becomes due.
- (2) If no billing period is specified, the bill is considered to become due one month after the date of the bill. A deduction shall be allowed until the final day in the month following the month the bill was issued.

(b) When an eligible household member presents a medical bill, other than for hospital expenses, the amount of the household's allowable medical cost shall be determined in the following manner:

(1) Insured (Reimbursable) Medical Expenses

- (A) When the bill is submitted and the eligible household member is covered by Medicare or Blue Cross/Blue Shield, or private insurance company, 20 percent of the total bill shall be the household's medical cost.
- (B) When the bill is submitted and the eligible household member is covered by Medi-Cal, the share of cost shown on the member's latest Record of Health Care Cost, Form MC 177, or the doctor's bill, whichever is less, shall be the household's medical cost.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****(2) Uninsured (Nonreimbursable) Medical Expenses**

The total amount of the uninsured medical expenses incurred by an eligible household member and verified, in accordance with Section 63-300.517, is the amount of the household's medical cost. If a Medi-Cal bill is submitted for an allowable medical expense incurred, but not covered by Medi-Cal, the full amount billed shall be the household's medical cost regardless of the member's share of cost.

(c) Hospital Bills

The total amount of the nonreimbursable portion of the medical expense shown on the final bill (not the preliminary statement) as due and payable by the eligible household member shall be the household's medical cost.

- (d) Eligible household members who have coverage by more than one health insurance policy (except for Medi-Cal/Medicare and Blue Cross/Blue Shield) shall receive the medical deduction only after all reimbursements and/or payments have been received or verified.

.252 Averaging Expenses

All households may elect to have fluctuating expenses averaged. Households may also elect to have expenses which are billed less often than monthly averaged forward over the interval between scheduled billings, or, if there is no scheduled interval, averaged forward over the period the expenses are intended to cover (such as local property taxes and fire insurance). (See Section 63-502.351.) The household may elect to have one-time only expenses averaged over the entire certification period in which they are billed.

- (a) Households reporting medical expenses, as specified in Section 63-502.331, during their certification period, with no specified payment schedule, may elect to have a one-time only deduction in the month billed, or to have the expense averaged over the remaining months of their certification period. Averaging would begin in the month the change becomes effective and only the amount in excess of that specified in Handbook Section 63-1101.4 shall be deducted each month.
- (b) When the eligible household member has a written agreement, contract, or other type of written plan for payment of billed medical expenses, the stipulated amount of monthly payment shall be the base for determining the monthly excess medical expenses. Fluctuating medical expenses may be averaged over the certification period. Households may elect to average medical expenses billed less often than monthly over the certification period or claim such expenses in the month received. Medical expenses averaged over the certification period shall not be determined by automatically averaging past months' medical expenses. Past expenses shall be used only as an indicator of the expenses that are estimated or reasonably anticipated during the certification period. Fluctuating medical expenses may be allowed as a deduction and averaged over the certification period only if regularly recurring, reasonably anticipated and verified to recur over the certification period. Fluctuating medical expenses include, but are not limited to: medical service and treatments received regularly, but less often than monthly, and fluctuating monthly health expenses for prescription drugs. Expenses that occur during the certification period that were not anticipated and deducted shall be considered one-time only expenses and may be deducted in the month billed or averaged over the remaining months of the certification period.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.253 Anticipating/Estimating Expenses**

The CWD shall calculate migrant farmworker households' expenses based on the expenses the household expects to be billed for during the certification period. Anticipation of the expenses shall be based on the most recent month's bills, unless the household is reasonably certain a change will occur. When the household is not claiming the standard utility allowance, the CWD may anticipate changes during the certification period based on last year's bills from the same period updated by overall price increases; or, if only the most recent bill is available, utility cost increases or decreases over the months of the certification period may be based on utility company estimates for the type of dwelling and utilities used by the household. The CWD shall not average past expenses, such as utility bills for the last several months, as a method of anticipating utility costs for the certification period. For households which shall be subject to retrospective budgeting the procedures in Section 63-503.212(c)(1) shall be used to estimate expenses in the beginning months.

.254 Expense Conversion Procedures

For migrant farmworker households the income conversion procedures of Section 63-503.242(b)(1) shall also apply to expenses billed on a weekly or biweekly basis.

.3 Calculating Net Income and Benefit Levels**.31 Net Monthly Income**

In calculating net monthly income, the entire calculation process including individual shelter and medical costs shall include exact dollars and cents. The final figure shall be rounded down to calculations that end in 1 through 49 cents and rounded up for calculations that end in 50 through 99 cents.

.311 To determine a household's net monthly income, unless the household contains a member who is (1) 60 years of age or older; or (2) receiving disability or blindness benefits under Title II of the Social Security Act, the EW shall:

- (A) Add the gross monthly income earned by all household members minus earned income exclusions, to determine the household's total gross earned income.
- (B) Multiply the total gross earned income by 82 percent.
- (C) Add to net monthly earned income the total monthly unearned income of all household members, minus income exclusions.
- (D) Subtract the standard deduction.
- (E) Subtract monthly dependent care expenses, if any, up to the current maximum. If dependent care costs equal or exceed the maximum amount allowed, the household's net monthly income has been determined. If not, the household's excess shelter expenses shall be computed, in accordance with subparagraph (F) of this section.
- (F) Total the allowable shelter expenses to determine shelter costs. Subtract from the total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to subparagraph (G) of this section.
- (G) Subtract the excess shelter cost (up to the current maximum) from the household's monthly income after all other deductions. The amount allowed for shelter is the current maximum, minus the amount of dependent care expenses, if any. The household's net monthly income has been determined.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503**

.312 To determine the net monthly income of a household that includes a member who is (1) 60 years of age or older; or (2) receiving disability or blindness benefits under Title II of the Social Security Act, the EW shall:

- (A) Add the gross monthly income earned by all household members minus earned income exclusions, to determine the household's total gross earned income.
- (B) Multiply the total gross earned income by 82 percent.
- (C) Add to net monthly earned income the total monthly unearned income of all household members, minus income exclusions.
- (D) Subtract the standard deduction.
- (E) Subtract the medical expenses in excess of the amount specified in Section 63-1101 (see Section 63-502.33 for allowable medical expenses).
- (F) Subtract the monthly dependent care up to the current maximum.
- (G) Total the allowable shelter expenses to determine the shelter costs. Subtract from the total shelter costs 50 percent of the household's monthly income after all of the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost.
- (H) Subtract the excess shelter cost from the household's monthly income after all other deductions. The household's net monthly income has been determined.

.32 Eligibility and Benefits

.321 Monthly income, as defined in Sections 63-502.11 and 63-503.312 shall be compared to the gross and net monthly income eligibility standard for the appropriate household size to determine eligibility for all households, except as provided in Sections 63-503.322 and .323. (See Handbook Sections 63-1101.6 and .7 for the gross and net monthly income eligibility standards.)

- (a) For households which are subject to monthly reporting, the CWD shall apply the gross and net monthly income eligibility standards each month during the household's certification period. The household's continued eligibility for benefits shall be based on the household's size and income information which the household and the CWD anticipate for the issuance month. This determination shall be based on the information reported on and submitted with the household's most recent CA 7. The CWD shall also consider information which the household reports outside of the normal monthly reporting system.
 - (1) If the household's gross and net monthly income does not exceed the standards the CWD shall issue benefits in accordance with Section 63-503.22.
 - (2) If the household's gross or net monthly income exceeds the standards, the CWD shall either deny the application or terminate; or suspend the household's benefits in accordance with Section 63-504.37.
- (b) For migrant farmworker households, the CWD shall deny the application if the household's gross and/or net monthly income exceeds the standards.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503**

- .322 To determine the eligibility of a household with at least one member who is elderly or disabled as defined in Section 63-102(i), the household's net income, as determined by Section 63-503.312, shall be compared to the net monthly income eligibility standard for the appropriate household size. (See Handbook Section 63-1101.6 for the net monthly income eligibility standards.)
- (a) For households which are subject to monthly reporting, the CWD shall apply the net monthly income eligibility standards each month during the household's certification period. The household's continued eligibility for benefits shall be based on the household's size and income information which the household and the CWD anticipate for the next issuance month. This determination shall be based on the information reported on and submitted with the most recent CA 7. The CWD shall also consider information which the household reports outside of the normal monthly reporting system.
- (1) If the household's net monthly income does not exceed the standard, the CWD shall issue benefits in accordance with Section 63-503.22.
- (2) If the household's net monthly income exceeds the standard, the CWD shall either deny the application or terminate; or suspend the household's benefits in accordance with Section 63-504.37.
- (b) For migrant farmworker households, the CWD shall deny the application if the household's net monthly income exceeds the standard.
- .323 To determine the eligibility of a household in which all members are elderly or disabled as defined in Section 63-102(i), the CWD shall apply the net monthly income eligibility standards, as specified in Section 63-503.322.
- (a) The CWD shall apply the net monthly income eligibility standards whenever the household reports a change in either income or household size. The household's continued eligibility for benefits shall be based on the household's new size and income information which the household and the CWD anticipate for the next issuance month.
- (1) If the household's net monthly income does not exceed the standard, the CWD shall issue benefits in accordance with Section 63-503.22.
- (2) If the household's net monthly income exceeds the standard, the CWD shall either deny the application or terminate; or suspend the household's benefits in accordance with Section 63-504.37.
- .324 The household's monthly allotment shall be determined from the Coupon Allotment Tables on the basis of household size and net income. The counties shall issue food stamp coupons pursuant to the coupon allotment tables as promulgated and updated by the USDA. The SDSS shall provide the updated coupon allotment tables, which are to be implemented upon their effective date. Refer to Handbook Section 63-1101 for the most recent coupon allotment tables and their effective date.
- .325 All eligible one and two-person households shall receive a minimum monthly allotment of \$10. In the initial month of application, these households shall receive a prorata share of the \$10, depending on the day on which they applied.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503**

- .326 When a household with three or more members is eligible for the program but has a net income which would set its benefit level at zero, the counties shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued, unless the benefit level of zero is due to proration.
- .327 For an eligible household with three or more members which is entitled to benefits for the initial month but not the subsequent month, the CWD shall certify the household for the initial month only and deny the case for the following month on the grounds that its net income exceeds the level at which benefits are issued.
- .328 For those eligible households which are entitled to no benefits in their initial month of application in accordance with Section 63-503.324, but are entitled to benefits in the next month the CWD shall certify the households beginning with the month of application.
- .329 When a household's circumstances change and it becomes entitled to a different income eligibility test, the CWD shall apply the different test at the next recertification or whenever the CWD changes the household's eligibility, benefit level or certification period, whichever occurs first.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.4 Households with Special Circumstances****.41 Households with Self-Employment Income**

For monthly reporting households receiving self-employment income, including those households that own and operate a commercial boarding house, the CWD shall calculate the self-employment income in accordance with this section. All households that own and operate a noncommercial boarding house shall have their income calculated in accordance with Section 63-503.42.

.411 Monthly Reporting Households with Self-Employment Income

- (a) Monthly reporting households which receive self-employment income on a monthly basis shall report the actual amount of such income on the monthly report (CA 7). The CWD shall calculate the household's benefit level for each month based on the actual amount of self-employment income reported even if such income fluctuates from month to month.
- (b) Self-employment income received less often than monthly which represents a household's annual income shall be averaged over a 12-month period even if the household receives income from other sources in addition to self-employment.
- (c) Self-employment income which is intended to meet the household's needs for only part of the year shall be averaged over the period of time the income is intended to cover. Individuals who are self-employed only part of the year and supplement their income from other sources during the balance of the year shall have their self-employment income averaged over the period of time they are self-employed rather than a 12-month period.
- (d) If a household's self-employment enterprise has been in existence for less than a year the income from that self-employment enterprise shall be averaged over the period of time the business has been in operation, and the monthly amount projected over the certification period.

.412 Annualizing Self-Employment Income

- (a) At the time of application, the income and expenses from a self-employment enterprise as specified in Sections 63-503.411(b) and (c) shall be verified for either the last year of the last period during which income was earned and which was intended to cover either a year or a part of a year. The CWD shall then use this verified information to average the household's income over the next year or period of time the income is intended to cover, unless the household can provide the CWD with information that shows this averaged amount is not reflective of the household's projected income situation. The CWD shall then adjust the average based on the information provided by the household.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503**

(b) Actual self-employment income and expense information reported and verified with the household's monthly report shall be used at the household's next certification to average and project the household's circumstances for the next year or period of time the income is intended to cover, except that the self-employment income averaged for the current certification period must be redetermined in the following instances:

- (1) The household will likely experience or has experienced a substantial decline in income due to a change in circumstance such as crop failure or bankruptcy;
- (2) The household reports increases or decreases in self-employment income that are outside what is normal for the particular season or trade.
- (3) The household provides the CWD with verification of self-employment expenses which the household incurred to produce the income specified in Section 63-503.412(a), but had previously failed to give to the CWD.

In redetermining a household's averaged self-employment income the CWD shall only consider income and expenses which have been verified.

.413 Allowable Cost of Producing Self-Employment Income

- (a) Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor, stock, raw material, seed and fertilizer, interest paid to purchase income-producing property, insurance premiums, and taxes paid for income-producing property.
- (b) In determining net self-employment income, the following items shall not be allowed as a cost of doing business:
 - (1) Payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods;
 - (2) Net losses from previous periods; and
 - (3) Federal, state and local income taxes, money set aside for retirement purposes, and other work-related personal expenses (such as transportation to and from work), as these expenses are accounted for by the earned income deduction, specified in Section 63-502.32.
 - (4) Depreciation.

.414 Capital Gains

The proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for Federal income tax purposes. Even if only 50 percent of the proceeds from the sale of capital goods or equipment is taxed for Federal income tax purposes, the CWD shall count the full amount of the capital gain as income for food stamp purposes.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.415 Determining Monthly Income from Self-Employment**

- (a) For monthly reporting households who report their actual monthly self-employment income on the CA 7, the CWD shall add all gross self-employment income (including capital gains), and exclude the actual monthly cost of producing the self-employment income as reported on the CA 7.
- (b) For the period of time over which self-employment income is averaged, the CWD shall add all gross self-employment income (including capital gains), exclude the cost of producing the self-employment income, and divide the self-employment income by the number of months over which the income will be averaged.
- (c) For migrant farmworker households self-employment income is calculated on an anticipated basis. The CWD shall add any capital gains the household anticipates it will receive in the next 12 months, starting with the date the application is filed, and divide this amount by 12. This amount shall be used in successive certification periods during the next 12 months, except that a new average monthly amount shall be calculated over this 12-month period if the anticipated amount of capital gains changes. The CWD shall then add the anticipated monthly amount of capital gains to the anticipated monthly self-employment income, and subtract the cost of producing the self-employment income. The cost of producing the self-employment income shall be calculated by anticipating the monthly allowable cost of producing the self-employment income.
- (d) The monthly net self-employment income shall be added to any other earned income received by the household, and the net monthly income shall be computed, in accordance with Section 63-503.31.

.42 Households with Boarders (Noncommercial)

Individuals paying a reasonable amount for room and board, as specified in Section 63-402.3, shall be excluded from the household when determining the household's eligibility and benefit level. Payments from the boarder shall be treated as self-employment income and the household's eligibility determined as follows:

.421 Income from the Boarder

The income from boarders shall include all direct payments to the household for lodging and meals, including contributions to the household's shelter expenses. Shelter expenses paid directly by boarders to someone outside the household shall not be counted as income to the household.

.422 Cost of Doing Business

After determining the income received from the boarders, the CWD shall exclude that portion of the boarder payment which is a cost of doing business. The cost of doing business shall be equal to any of the following procedures provided that the amount allowed as a cost of doing business shall not exceed the payment the household receives from the boarder for lodging and meals. Payments for meals only (see Section 63-402.311) shall be income to the extent the payment exceeds the actual cost.

- (a) An amount which equals the Thrifty Food Plan for the appropriate number of boarders, as specified in Handbook Section 63-1101; or
- (b) The actual documented cost of providing lodging and meals, if the actual cost exceeds the Thrifty Food Plan for the appropriate number of boarders, as specified in the Handbook Section 63-1101. If actual costs are used, only separate and identifiable costs of providing lodging and meals to boarders shall be excluded.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.423 Deductible Expenses**

The income from self-employment minus the cost of doing business shall be added to other earned income and the earned income deduction shall be applied to the total. Shelter expenses the household actually incurs, even if the boarder contributes to the household for part of the household's shelter expenses, shall be computed to determine if the household will receive a shelter deduction. However, the shelter expenses shall not include any shelter expenses paid directly by the boarder to a third party, such as to the landlord or utility company.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.43 Destitute Households**

Migrant or seasonal farmworker households may have little or no income on the date of application and may be in need of immediate food assistance, even though they receive income at some other time during the month of application. The following procedures shall be used to determine when migrant or seasonal farmworker households in these circumstances may be considered destitute and, therefore, entitled to expedited service and special income calculation procedures. Households other than migrant or seasonal farmworker households shall not be classified as destitute.

.431 Households whose only income for the month of application was received prior to the date of application, and was from a terminated source, shall be considered destitute households and shall be provided expedited service.

(a) If income is received on a monthly or more frequent basis, it shall be considered as coming from a terminated source if it will not be received again from the same source during the balance of the month of application or during the following month.

(b) If income is normally received less often than monthly, the nonreceipt of income from the same source in the balance of the month of application or in the following month is inappropriate to determine whether or not the income is terminated. Therefore, for households that normally receive income less often than monthly, the income shall be considered as coming from a terminated source if it will not be received in the month in which the next payment would normally be received.

.432 Households whose only income for the month of application is from a new source shall be considered destitute and shall be provided expedited service if income of more than \$25 from the new source will not be received by the 10th calendar day after the date of application.

(a) Income which is normally received on a monthly or more frequent basis shall be considered to be from a new source if income of more than \$25 has not been received from that source within 30 days prior to the date the application was filed.

(b) If income is normally received less often than monthly, it shall be considered to be from a new source if income of more than \$25 was not received within the last normal interval between payments.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
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- .433 Households may receive both income from a terminated source prior to the date of application and income from a new source after the date of application, and shall still be considered destitute if income of more than \$25 will not be received by the 10th day after the date of application and no other income will be received in the month of application.
- .434 Destitute households shall have their eligibility and level of benefits calculated for the month of application by considering only income which is received between the first of the month and the date of application. Any income from a new source that is anticipated more than 10 days after the date of application shall be disregarded.
- .435 Some employers provide travel advances to cover the travel costs of new employees who must journey to the location of their new employment. To the extent that these payments are excluded as reimbursements, receipt of travel advances will not affect the determination of when a household is destitute. However, if the travel advance is by written contract an advance on wages that will be subtracted from wages later earned by the employee, rather than a reimbursement, the wage advance shall count as income. In addition, the receipt of a wage advance for the travel cost of a new employee shall not affect the determination of whether subsequent payments from the employer are from a new source of income, nor whether a household shall be considered destitute.
- .436 A household member who changes jobs but continues to work for the same employer shall be considered as still receiving income from the same source. A migrant farmworker's source of income shall be considered to be the grower for whom the migrant is working at a particular point in time, and not the crew chief. A migrant farmworker who travels with the same crew chief but moves from one grower to another shall be considered to have moved from a terminated income source to a new source.
- .437 For migrant farmworker households, the above procedures shall apply at initial application and at recertification, but only for the first month of each certification period. At recertification, income from a new source shall be disregarded in the first month of the new certification period if income of more than \$25 will not be received from this new source by the 10th calendar day after the date of the household's normal issuance cycle. For seasonal farmworker households, the above procedures shall only apply to the month of application when the household has a beginning month.
- .44 Disqualified Members and Ineligible Aliens

The resources and income of individual household members disqualified for fraud or for refusal to cooperate in providing verification of or proof of application for a Social Security Number (SSN), and of an ineligible alien who would be considered a household member if not for his/her ineligible alien status, shall be considered available to the household as follows:

.441 Resources

The resources of the disqualified member or ineligible alien shall continue to count in their entirety to the remaining household members.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.442 Income**

A pro rata share of the income of the disqualified member or ineligible alien shall be counted as income to the remaining household members. This pro rata share shall be calculated by first subtracting the allowable exclusions (See Section 63-502.2) from the disqualified member's or ineligible alien's income and dividing the remainder evenly among the household members and the disqualified member or ineligible alien. All but the disqualified member's or ineligible alien's pro rata share shall be counted as income to the remaining household members.

.443 Deductible Expenses

The earned income deduction (see Section 63-502.32) shall apply to the prorated income earned by the disqualified member or ineligible alien which is attributed to the household. That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the disqualified member or ineligible alien shall be divided evenly among the household members and the disqualified member or ineligible alien. All but the disqualified member's or ineligible alien's pro rata share shall be counted as a deductible shelter expense for the remaining household members. Utility expenses shall be prorated only when actual expenses are claimed. The standard utility allowance (SUA) shall not be prorated, but the remaining household members must be entitled to claim the SUA (see Section 63-502.352).

.444 Eligibility and Benefit Level

The disqualified member or ineligible alien shall not be included when determining the household size for purposes of assigning an allotment to the household or for purposes of comparing the household's gross or net monthly income with the appropriate income eligibility standards (see Section 63-503.32).

.445 Reduction or Termination of Benefits Within the Certification Period

Whenever an individual is disqualified within the household's certification period, the CWD shall determine the eligibility or ineligibility of the remaining household members based, as much as possible, on information on the CA 7 and in the case file and shall take the following action:

(a) Fraud Disqualification

If a household's benefits are reduced or terminated within the certification period because one of its members has been disqualified for fraud, the CWD shall notify the remaining members of their eligibility and benefit level at the same time the disqualified member is notified of its disqualification. The household is not entitled to a notice of adverse action but may request a fair hearing to contest the reduction or termination of benefits.

(b) Social Security Number Disqualification

If a household's benefits are reduced or terminated within the certification period because one of its members has been disqualified for refusing to cooperate in providing his/her social security account number or verification of application for a social security number as required in Section 63-404, the CWD shall issue a notice of adverse action which informs the household that one of its members is being disqualified, the reason for the disqualification, the eligibility and benefit levels of the remaining members, and what must be done to end the disqualification.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.45 Other Nonhousehold Members**

For those nonhousehold members that have not been disqualified, such as, but not limited to SSI recipients, the income and resources of the nonhousehold member shall not be considered available to the household. Cash payments from the nonhousehold member to the household shall be considered income under the normal income standards set in Section 63-502.1. Vendor payments, as defined in Section 63-502.2, shall be excluded as income.

.451 When the earned income of one or more household members and the earned income of a nonhousehold member are combined into one wage, the income of the household member(s) shall be determined as follows:

(a) If the household's share can be identified, the CWD shall count that share as earned income to the household.

(b) If the household's share cannot be identified, the CWD shall prorate the income among all those by whom it was earned and count the household's pro rata share as earned income to the household.

.452 If the household shares deductible expenses with the nonhousehold member, only the amount actually paid or contributed by the household shall be deducted as a household expense. If the payments or contributions cannot be differentiated, the expenses shall be prorated evenly among persons actually paying or contributing to the expense and only the household's pro rata share deducted. When actual expenses of the remaining household members cannot be differentiated, the utility expenses shall be prorated when actual expenses are claimed. The standard utility allowance shall also be prorated, if the household is using the SUA. See Section 63-502.361.

.46 Residents of Shelters For Battered Women

.461 Eligible residents who were Food Stamp Program recipients in the dwelling of the abuser and who recently fled to a shelter, shall receive a separate allotment only once a month while residing in the shelter, as specified in Section 63-402.6. In order to receive this allotment, eligible residents shall complete new applications and apply as separate households.

.462 Eligible residents shall be certified for the program solely on the basis of the income, resources and expenses for which they are responsible on the date of application and their resource level as of the date of their interview. The income, resources and expenses of their former households shall not be considered available to the residents and resources held jointly with member(s) of their former households shall be considered inaccessible, in accordance with Section 63-501.3(m).

.463 The CWD shall take prompt action to ensure that the former household's eligibility or allotment reflects a change in household composition, which may require contacting another CWD, if the resident is currently living in a shelter in another county. If the CWD has sufficient information to determine that there has been a change in household composition in the resident's former household, prompt action shall be taken either to make a change in the former household's allotment or to terminate the former household, in accordance with Section 63-504.35, for monthly reporting households or Section 63-504.42, for nonmonthly reporting households. If the CWD has insufficient information regarding the change in household composition of the resident's former household the CWD shall take action, in accordance with Section 63-504.14.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.47 Residents of Drug/Alcoholic Treatment and Rehabilitation Programs**

- .471 Narcotics addicts or alcoholics who regularly participate in drug or alcoholic treatment and rehabilitation programs on a resident basis may be eligible for food stamps, as specified in Section 63-402.4. These programs must provide meals to residents to qualify as eligible institutions. Residents of those programs that do not provide meals may apply as roomers, as provided in Section 63-402.21, and are not subject to the provisions of this section. Resident addicts and alcoholics in centers providing meals shall have their eligibility determined as a one-person household. The CWD shall certify residents of addict/alcoholic treatment centers by using the same provisions that apply to all other applicant households, except that certification must be accomplished through an authorized representative, as described in Section 63-402.62.

Prior to certifying any residents for food stamps, the CWD shall verify that the treatment center is authorized by FNS, or is currently certified to participate in the Food Stamp Program as shown by the possession of the following State Department of Alcohol and Drug Program documents:

- a. In alcohol treatment and recovery homes, either a Certification for Food Stamps (ADA-170), or a "Program Approval for Alcoholic Recovery Home".
- b. For drug treatment and recovery homes, a Food Stamps Approval Letter.

FNS authorization is required for those centers redeeming coupons through wholesalers or those centers accepting coupons through wholesalers or those centers accepting coupons as payment for prepared meals.

- .472 Each treatment and rehabilitation center shall provide the CWD with a list of currently participating residents. This list shall include a statement signed by a responsible center official attesting to the validity of the list. The CWD shall require the list on either a monthly or semimonthly basis. In addition, the CWD shall conduct periodic random onsite visits to the center to assure the accuracy of the listings and that the CWD's records are consistent and up to date.

If the center refuses to supply the list of residents or refuses to allow the CWD access to the facility to verify the list, the CWD shall terminate all certified households in the center for refusal to cooperate, in accordance with Section 63-505. The households shall be terminated through the use of the Notice of Adverse Action, as specified in Section 63-504.24.

The households may reapply, once denied or terminated, but shall not be certified eligible until the center, as the household's authorized representative, cooperates.

- .473 The following provisions apply to residents of treatment centers:

- a. When expedited processing standards, as described in Section 63-301.5, are necessary, eligibility for the initial application shall be processed on an expedited basis, and the CWD shall complete verification and documentation requirements prior to issuance of a second coupon allotment;

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503**

- b. When normal processing standards apply, the CWD shall complete the verification and documentation requirements prior to making an eligibility determination for the initial application;
 - c. The CWD shall process changes in household circumstances and recertifications by using the same standards that apply to all other food stamp households; and
 - d. Resident households shall be afforded the same rights to notices of adverse action, state hearings, and entitlement to lost benefits as are all other food stamp households, except as specified in Section 63-503.478.
- .474 The treatment center shall notify the CWD, as provided in Section 63-505.2, of changes in the household's income or other household circumstances and of when the addict or alcoholic leaves the treatment center. The treatment center shall return a household's ATP or coupons received after the household has left the center.
- .475 a. When the household leaves the center, the center shall provide the resident household with their county issued Food Stamp ID card and any untransacted ATP cards. The household, not the center, shall be allowed to sign for and receive any remaining authorized benefits reflected on HIR cards. The departing household shall also receive its full allotment if already issued and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month. However, if the coupons have already been issued and any portion spent on behalf of the individual, and the household leaves the treatment and rehabilitation program prior to the 16th day of the month, the treatment center shall provide the household with one-half of its monthly coupon allotment. If the household leaves on or after the 16th day of the month and the coupons have already been issued and used, the household does not receive any coupons.
- b. Once the household leaves the treatment center, the center is no longer allowed to act as that household's authorized representative. The center shall if possible provide the household with a change report form to report to the CWD the individual's new address and other changes in circumstances after leaving the center, and shall advise the household to return the form to the appropriate office of the CWD within 10 days.
 - c. The treatment center shall return to the CWD any coupons not provided to departing residents at the end of each month. These returned coupons shall include those not provided to departing residents because they left either prior to the 16th and the center was unable to provide the individual with the coupons or they left on or after the 16th of the month.
- .476 The institution shall be responsible for any misrepresentation or fraud which it knowingly commits in the certification of center residents. As an authorized representative, the institution must be knowledgeable about household circumstances and should carefully review those circumstances with residents prior to applying on their behalf. The institution shall be strictly liable for all losses or misuse of food coupons held on behalf of resident households and for all overissuances which occur while the households are residents of the treatment center.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
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- .477 The institution may be penalized or disqualified if it is determined administratively or judicially that coupons were misappropriated or used for purchases that did not contribute to a certified household's meals. Procedures for taking action shall be as follows:
- a. For FNS authorized institutions, the CWD shall promptly notify FNS when it has reason to believe that an institution is misusing coupons in its possession. However, the CWD shall take no action prior to FNS action against the institution.
 - b. For institutions not FNS authorized, but certified by the State Department of Alcohol and Drug Programs, the CWD shall take appropriate action, as specified in Sections 63-801, 63-803, 63-804 and 63-805. Those provisions of Section 63-805 that apply to other food stamp households shall also apply to treatment centers being treated the household.
- .478 If FNS disqualifies an institution as an authorized retail food store, the CWD shall suspend its authorized representative status for the same time period. If the institution loses its authorization from FNS to accept and redeem coupons, or is no longer certified by the State Department of Alcohol and Drug Programs, its residents are no longer eligible to participate. The residents are not entitled to a timely notice of adverse action but shall receive a written notice explaining the termination and when it will become effective, as provided in Section 63-504.267(c).
- .48 Residents of group living arrangement who receive benefits under Title II or Title XVI of the Social Security Act.
- .481 Disabled or blind residents of a group living arrangement as defined in Section 63-102(ff), who receive benefits under Title II of the Social Security Act may voluntarily apply for the Food Stamp Program. If these residents apply through the use of the facility's authorized representative their eligibility shall be determined as one-person households. If the residents apply on their own behalf, the household size shall be in accordance with Section 63-402.1. The CWD shall certify these residents using the same provisions that apply to all other households. Prior to certifying any residents for food stamps, the CWD shall verify that the group living arrangement is authorized by FNS as a retail food store, as defined in Section 63-102(gg), or is licensed by the Department of Social Services as a group home, and is either a public or private, nonprofit residential setting. In addition, as specified in Section 63-402.2, Title XVI recipients are ineligible for food stamps, therefore, this ineligibility shall apply to Title XVI (SSI) recipients residing in group living arrangements.
- (a) The CWD shall verify that a Group Living Arrangement is authorized by FNS either by observing the arrangements Form FNS 254, FSP Authorization, or by confirming the authorization with an FNS field office.
 - (b) The CWD shall verify that a group living arrangement is licensed by observing the arrangement's current SDSS license.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503**

- .482 Each group living arrangement shall provide the CWD with a list of currently participating residents. This list shall include a statement signed by a responsible center official attesting to the validity of the list. The CWD shall require the list either on a quarterly basis or more frequently if the turnover of residents is rapid enough to warrant more frequent review. In addition, the CWD shall conduct periodic random on-site visits to assure the accuracy of the list. If, at the time of the on-site visit, the CWD's participation records of the residents in the group living arrangement are not consistent with the listings, the visit will be used to update the CWD's participation records.
- .483 The same provisions applicable to residents of treatment centers in Section 63-503.473, also apply to blind or disabled residents of group living arrangements who receive benefits under Title II or Title XVI of the Social Security Act when the facility acts as the resident's authorized representative.
- .484 If the resident has made application on his/her own behalf, the household is responsible for reporting changes to the CWD as provided in Section 63-505.21. If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement shall notify the CWD, as provided in Section 63-505.21, of changes in the household's income or other household circumstances and when the individual leaves the group living arrangement. The group living arrangement shall return any household's ATP card or coupons to the CWD if they are received after the household has left the group living arrangement.
- .485 a. When the household leaves the facility, the group living arrangement either acting as an authorized representative or retaining the use of coupons on behalf of the residents, regardless of the method of application, shall provide residents with their county issued Food Stamp ID card and any untransacted ATP cards. Also, the departing household shall receive its full allotment if issued by direct mail and if no coupons have been spent on behalf of that individual household. These procedures are applicable any time during the month. However, if the coupons have already been issued and any portion spent on behalf of the individual, and the household leaves the group living arrangement prior to the 16th day of the month, the group living arrangement shall provide the household with its county issued Food Stamp ID card and one-half of its monthly coupon allotment. If the household leaves after the 16th of the month and the coupons have already been issued and used, the household does not receive any coupons. If a group of residents have been certified as one household and have returned coupons to the facility to use, the departing residents shall be given a pro-rata share of one-half of the household's monthly allotment if leaving prior to the 16th day of the month.
- (b. & c. reserved)
- d. The group living arrangement shall return to the CWD any coupons it was unable to return to departing residents.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.49 Households with Sponsored Aliens**

Portions of the gross income and the resources of a sponsor and the sponsor's spouse (if living with the sponsor) shall be deemed to be the unearned income and resources of a sponsored alien for three years following the alien's admission for permanent residence to the United States. The spouse's income and resources will be counted even if the sponsor and spouse were married after the signing of the agreement.

The amount of income and resources deemed to be that of the sponsored alien in accordance with Section 63-503.532 shall be considered in determining the eligibility and/or benefit level of the household of which the alien is a member.

.491 The following aliens are exempt from provisions for sponsored aliens:

- (a) An alien who is participating in the Food Stamp Program as a member of his or her sponsor's household;
- (b) An alien who is sponsored by an organization or group as opposed to an individual;
- (c) An alien who is not required to have a sponsor under the Immigration and Nationality Act, such as, but not limited to, a refugee, a parolee, one granted asylum, and/or a Cuban or Haitian entrant.

.492 Eligibility and Benefit Level**(a) Income**

- (1) Unearned income of the household containing sponsored aliens shall include the following: The amount of the monthly income of an alien's sponsor and the sponsor's spouse (if living with the sponsor) that has been deemed available to the alien, unless the sponsored alien is otherwise exempt from this provision in accordance with Section 63-503.531.

- (2) Unearned income deemed available to the alien is determined as follows:

- (A) Take the total monthly gross income of the sponsor and the sponsor's spouse (if living with the sponsor) at the time the household containing the sponsored alien member applies or is recertified for participation in the Stamp Food Program.
 - (i) Deduct an 18 percent earned income amount for that portion of income determined as earned income of the sponsor and the sponsor's spouse, and
 - (ii) Deduct the food stamp monthly gross income eligibility limit for a household equal in size to the sponsor's household, i.e., the sponsor, the sponsor's spouse and any other person who is claimed by the sponsor, or the sponsor's spouse as dependent for federal income tax purposes.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503**

(B) If the alien has already reported gross income information on his/her sponsor, due to Aid to Families with Dependent Children's (AFDC) sponsored alien rules, that income amount may be used for Food Stamp Program deeming purposes. However, allowable deductions to be applied to the total gross income of the sponsor and the sponsor's spouse, prior to attributing an income amount to the alien, shall be limited to the 18 percent earned income amount and the Food Stamp Program gross monthly income amount stated above.

(3) Direct cash payment to the alien by the sponsor or the sponsor's spouse will not be considered as income to the alien unless the amount paid exceeds the amount of the sponsor's income deemed available to the alien. Only the amount paid that actually exceeds the deemed amount would be considered income to the alien.

(b) Resources

(1) "Resources for households containing sponsored aliens" shall also include that portion of the resources of an alien's sponsor and the sponsor's spouse (if living with the sponsor) which has been deemed to be those of the alien, unless the sponsored alien is otherwise exempt from this provision in accordance with Section 63-503.531.

(2) Resources of the sponsor and sponsor's spouse as determined by Section 63-501 deemed to be that of the alien shall be the total amount of their resources reduced by \$1,500. If the alien has already reported total resource information on his/her sponsor due to AFDC's sponsored alien rules, the resource amount calculated by AFDC as the amount to be attributed to the alien, may be used for Food Stamp Program deeming purposes.

(c) Treatment of Income and Resources of More Than One Sponsored Alien

If a sponsored alien can demonstrate to the CWD that his/her sponsor sponsors other aliens, then the income and resources deemed under this section shall be divided by the number of such aliens that apply for, or are participating in in the Food Stamp Program.

(d) Changing Sponsors

If the alien changes sponsors during the certification period, then deemed income/resources would be recalculated based on the required information of the new sponsor.

**63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)****63-503****.493 Awaiting Verification**

If information necessary to carry out the provisions of this section is not received or verified on a timely basis, the sponsored alien and his/her spouse shall be ineligible to participate until such time as all necessary facts are obtained. In determining the eligibility and/or benefit level of the remaining household members, the income and resources of the ineligible alien and his/her spouse (excluding the attributed income and resources of the alien's sponsor and sponsor's spouse) shall be treated in the same manner as a disqualified member as set forth in Section 63-503.54, and considered available. If the information or verification is subsequently received, the CWD shall act on the information as a reported change in household membership in accordance with the timeliness standards in Section 63-505.2.

.5 REPEALED BY Manual Letter 83-73 (1/1/84)**.51 Repealed by Manual Letter 83-73 (Effective 1/1/84)**

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY**63-504**

- .1 The CWD shall establish a definite period of time within which a household shall be certified to receive benefits. At the expiration of such certification period, entitlement to food stamp benefits shall end. Under no circumstances shall benefits be continued beyond the end of a certification period without a new determination of eligibility. See Section 63-504.6 for recertification procedures.

.11 General Requirements for Establishing Certification Periods

Certification periods shall conform to calendar or fiscal months, except that for initial applications where benefits are prorated, the beginning date of the certification period shall be the date the application was filed in the appropriate food stamp office. At initial application, the first month in the certification period shall generally be the month of application, even if the household's eligibility is not determined until a subsequent month. For timely reapplications and recertifications, the certification period shall begin with the month following the last month of the previous certification period, except as provided in Section 63-504.634.

.12 Additional Requirements for Establishing Certification Periods for Monthly Reporting Households

.121 Public Assistance Households

Households in which all members are contained in a single Public Assistance (PA) grant, and the food stamp applications are processed jointly in accordance with Section 63-301.6, shall have their food stamp recertifications, to the extent permitted by regulation, at the same time they are redetermined for PA eligibility.

The CWD shall assign PA food stamp households certification periods that expire no later than the end of the month following the month in which the PA redetermination is scheduled. The certification period shall be established for no longer than 14 months but no less than six months. The CWD shall make every effort to recertify food stamps when the PA redetermination occurs. However, if the PA redetermination is not made by the end of the month for which it was scheduled, the CWD shall send the household a notice of expiration of its food stamp certification period in accordance with Section 63-504.624 and proceed to recertify the household for food stamps. The certification period may be shortened in accordance with Section 63-504.14.

- (a) If a household initially applies jointly for food stamps and PA benefits, a nonassistance classification shall be assigned if the food stamp application is approved prior to the PA determination being made and the certification period shall be assigned in accordance with Section 63-504.122. When the PA application is approved, the household shall be reclassified as public assistance, but the certification period shall remain as originally assigned.

.122 Nonassistance Households

All nonassistance households (NA) subject to monthly reporting shall be certified for a period not to exceed 12 months, but not less than six months.

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued) 63-504**.123 Changes in Classification**

If the household classification changes and Food Stamp Program eligibility is retained, the certification period shall be changed as follows:

- (a) When all members of a currently certified NA household apply for PA benefits, the CWD shall inform the household that it may be recertified for food stamps at the same time its PA eligibility is determined. In order to do so, the household shall submit an application for recertification and have a joint interview in conjunction with processing of the PA application. If the household agrees to be recertified in accordance with the PA application, the CWD shall provide the household with the necessary forms to recertify the household. If the household is determined to be eligible for PA benefits, a new food stamp certification period shall be assigned in accordance with Section 63-504.121.
 - (1) If the household applying for PA benefits elects not to be recertified for food stamps in conjunction with processing of the PA application, the household's certification period shall remain as originally assigned, unless the CWD determines it is necessary to shorten the certification period in accordance with Section 63-504.14.
- (b) Households which have their PA eligibility terminated shall retain their originally assigned food stamp certification period, unless the CWD determines it is necessary to shorten the certification period in accordance with Section 63-504.14.

.13 Additional Requirements for Establishing Certification Periods for Nonmonthly Reporting Households

- .131 Nonmonthly reporting households shall be assigned the longest certification period possible based on the predictability of the individual household's circumstances. The certification period shall not exceed 12 months.
 - (a) Households shall be certified for one or two months, as appropriate, when the household cannot reasonably predict what its circumstances will be in the near future, or when there is a substantial likelihood of frequent and significant changes in income or household status.
- .132 Public assistance households shall be assigned certification periods in accordance with Section 63-504.121, except that the certification period shall not exceed 12 months, but may be less than six months and shall take into consideration the predictability of the household's circumstances.
- .133 Households consisting entirely of unemployable or elderly persons with very stable incomes shall be certified for up to 12 months provided other household circumstances are expected to remain stable.
- .134 Changes in household classification shall be handled in accordance with provisions in Section 63-504.123, except that new certification periods shall be assigned in accordance with Section 63-504.13.

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued) 63-504**.14 Shortening the Length of the Certification Period**

- .141 The CWD may shorten the certification period of any household when the CWD determines the need to do so based on individual case circumstances which shall include, but not be limited to, those circumstances specified below. However, in no event shall the CWD shorten the certification period of monthly reporting households if it will result in a certification period of less than six months.
- (a) Households that experience a change in circumstances that brings continued eligibility into question.
 - (b) For PA households that experience a change which results in an early PA redetermination but the change does not affect food stamp eligibility, the CWD shall conduct a food stamp recertification at the same time if necessary to keep the recertification/redetermination time frames on the same schedule and if the household agrees to be recertified early.
- .142 The CWD shall provide the household with an Notice of Expiration of Certification (NEC) (DFA 377.2), in accordance with Section 63-504.252, when its certification period is shortened. The household shall be informed that its certification period has been shortened to expire at the end of the month following the month in which the NEC was sent. The specific reason for shortening the certification period shall be provided on the NEC. The recertification shall be completed in accordance with Section 63-504.6.
- .143 The CWD may terminate the household prior to the last month of the shortened certification period if the CWD receives information that renders the household ineligible and there is sufficient time to provide a notice in accordance with Section 63-504.261.

.2 Notices of Action**.21 General Requirements**

- .211 A notice shall be considered adequate if it explains in easily understandable language the proposed action, the reason for the proposed action, the household's right to request a state hearing, the telephone number and name of the person to contact for additional information, the availability of continued benefits, and the potential liability of the household for any overissuance received while awaiting a state hearing, if the hearing decision is adverse to the household. All notices shall contain the information necessary to be considered adequate.
- .212 A notice shall be considered timely if there is at least 10 days from the date the notice is mailed until the effective date of the change.

.22 Notice of Approval (DFA 377.1)

- .221 When an application is approved, the CWD shall send the household a written approval notice (DFA 377.1) as soon as the determination is made, but no later than the date the household receives its first allotment for the certification period.
- .222 In cases where the household's application is approved on an expedited basis and verification is postponed, as provided in Section 63-301.54, the household shall be advised of requirements for providing the verification, as specified in Section 63-301.543.

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued) 63-504**.23 Notice of Denial (DFA 377.1)**

- .231 When an application is denied, the CWD shall provide the household with a written denial notice (DFA 377.1) explaining the basis for the denial. The denial notice shall be provided to the household as soon as the determination is made, but no later than 30 days from the date the application was filed, unless the application was previously pended, as provided in Section 63-301.4.
- .232 In cases where the CWD has elected to use a notice of denial when a delay is caused by the household's failure to take action to complete the application process, as provided in Section 63-301.42, the DFA 377.1 shall be provided to the household by no later than 30 days following the date the application was filed.
- .233 In cases where the same application is used to determine the household's ineligibility for the month of application and its eligibility for the subsequent month, as provided in Section 63-503.14, the CWD shall provide the household with a combined or separate DFA 377.1 for both the denial and approval actions.

.24 Notice of Pending Status (DFA 377.1)

When an application is to be held pending because some action by the CWD is necessary to complete the application process, as specified in Section 63-301.43, or the CWD has elected to pend all cases regardless of the reason for the delay, the CWD shall provide the household with a written pending notice (DFA 377.1). The household shall be provided the pending notice, in accordance with the appropriate time frames specified in either Section 63-301.41 or .43.

.25 Notice of Expiration of Certification (DFA 377.2)**.251 Expiration of the Certification Period**

The CWD shall provide each household whose certification period is due to expire with a notice of expiration (NEC) to be received not earlier than 15 days prior to, nor later than the first day of the household's last month of certification, except as provided in Sections 63-504.251(a) and (b) and 63-504.252.

- (a) A PA household whose applications for food stamps and PA benefits were jointly processed, in accordance with Section 63-301.6, need not receive an NEC (DFA 377.2) if the household is recertified for food stamps at the same time as the PA redetermination, provided the redetermination occurs in the month prior to the last month of the certification period, as assigned in Section 63-504.1.
- (b) In situations where the household is initially certified for one month or for two months, and the certification is completed in the month following the month of application, the household shall be provided an NEC (DFA 377.2) at the time of certification.

.252 Shortening the Certification Period

The CWD shall provide each household whose certification period is shortened, in accordance with Section 63-504.14, with an NEC except as provided in Section 63-504.251(a). The CWD may send the NEC to the household at any time during the month in which the change in household circumstances requiring recertification occurred or was reported, but it must be received no later than the first day of the last month of the shortened certification period.

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued) 63-504**.26 Notice of Change (DFA 377.4)**

A notice of change (DFA 377.4) shall be used to notify a household of any change in its eligibility or allotment during the certification period, except as provided in Section 63-504.267.

.261 Notice of Adverse Action (DFA 377.4)

The CWD shall provide a household timely notice prior to any action to reduce or terminate its benefits within the certification period, except as provided in Sections 63-504.265, .266, and .267.

.262 Notice of Suspension (DFA 377.4)

The CWD shall provide the household whose benefits have been suspended, in accordance with Section 63-504.37, with a notice of suspension (DFA 377.4). The time frame for providing this notice shall be as specified in Section 63-504.265.

.263 Notice of Increased Benefits (DFA 377.4)

The CWD shall provide the household with a notice of change (DFA 377.4) whenever its benefits are increased as a result of a reported change. The DFA 377.4 shall be provided to the household by no later than the date it receives its increased benefits.

.264 Notice of Proposed Change in Benefits (DFA 377.4)

The CWD shall provide a notice of proposed change in benefits to a monthly reporting household that fails to submit verification of a deduction with a CA 7 that is otherwise complete as specified in Section 63-504.32, or submits a CA 7 that contains questionable information as defined in Section 63-300.53. The CWD shall send the DFA 377.4 to the household no later than 10 days before the end of the report month and give the household until the extended filing date to provide the missing verification.

(a) If the household submits a CA 7 after the CWD has mailed a Discontinuance/Reminder Notice (NA 960), the CWD need not provide a Notice of Proposed Change in Benefits to the household.

(b) If the household submits incomplete verification/clarification after the CWD has mailed a Notice of Proposed Change in Benefits, the CWD need not provide a second Notice of Proposed Change in Benefits to the household.

.265 Notification to Monthly Reporting Households

The CWD shall provide a household with a notice of change for any increase or decrease in allotment resulting from information reported by the household on the CA 7. The time frame for providing the DFA 377.4 shall be as follows:

(a) A household which submits a complete CA 7 including all required verification to the CWD by the 11th of the report month shall be provided a notice of change at least 10 days before the effective date of the allotment change, except as provided in Section 63-504.263.

(b) A household which submits a complete CA 7 after the 11th of the report month and by the extended filing date shall be provided a notice of change no later than the household's normal or delayed issuance date.

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued) 63-504**.266 Exemptions from Providing Notice**

No notice shall be required when:

- (a) The CWD determines, based on reliable information, that all members of a household have died.
- (b) The CWD determines, based on reliable information, that the household has moved out of the county.
- (c) The household has been receiving an increased allotment because of restoration of lost benefits, the restoration is complete, and the household was previously notified in writing of when the increased allotment would terminate.
- (d) The monthly reporting household's allotment varies from month to month during the beginning months to take into account changes which were estimated at the time of certification and the household was so notified at the time of certification.
- (e) The nonmonthly reporting household's allotment varies from month to month within the certification period to take into account changes which were anticipated at the time of certification, and the household was so notified at the time of certification.
- (f) The household jointly applied for PA and food stamp benefits and has been receiving food stamp benefits pending the approval of the PA grant and was notified at the time of certification that food stamp benefits may be reduced or terminated.
- (g) Converting a household from voluntary repayment of a fraud claim to benefit reduction as a result of failure to make agreed to repayments, as provided in Section 63-801.612.
- (h) A household's participation in the Food Stamp Program is terminated because the household failed to provide verification which was postponed for expedited service, as specified in Section 63-301.543.
- (i) A household's participation in the Food Stamp Program is terminated because it failed to respond to an NEC, as provided in Section 63-504.25.
- (j) A household's participation in the Food Stamp Program is terminated because the household failed to respond to the discontinuance/reminder notice (NA 960) by filing a complete CA 7 by the extended filing date, as provided in Section 63-504.33.

.267 Exemptions from Providing Timely Notice

The CWD shall provide an adequate only notice at the time of the allotment change when:

- (a) The CWD elects to use general notices to notify households of the mass changes described in Section 63-504.391.
- (b) A household member has applied, been determined eligible for, and is in receipt of SSI/SSP benefits.

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued) 63-504

- (c) The CWD is terminating the eligibility of a resident of a drug or alcoholic treatment center or a group living arrangement if the facility loses either its certification from the appropriate agency of the state, or has its status as an authorized representative suspended due to FNS disqualifying it as a retailer.
- (d) A household member is disqualified for fraud, in accordance with Section 63-805, or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member. The notice requirements for individuals or households affected by fraud disqualifications are explained in Section 63-805.
- (e) A household's benefits are reduced or terminated as a result of:
 - (1) The household responding to an approval notice (DFA 377.1) requesting verification which was postponed for expedited service, as provided in Section 63-301.543.
 - (2) The household responding to a discontinuance/reminder notice (NA 960) requesting the household to submit a complete CA 7 by the extended filing date.
 - (3) The household responding to a discontinuance/reminder notice (NA 960) or a notice of proposed change in benefits (DFA 377.4) requesting the household to submit missing verification or additional verification/clarification of questionable information, as provided in Section 63-504.264.
 - (4) The household failing to respond to a notice of proposed change in benefits (DFA 377.4) requesting missing verification, as provided in Section 63-504.3.

.27 Discontinuance/Reminder Notice (NA 960)

- .271 The CWD shall provide an NA 960 to a monthly reporting household when the household fails to file a monthly report (CA 7) by the 11th of the report month or files an incomplete CA 7. The CWD shall send the NA 960 no later than 10 days before the end of the report month and give the household until the extended filing date, as specified in Section 63-504.33 to file a complete CA 7. If a complete CA 7 is received after the 11th of the report month, but prior to the mailing of the NA 960, the CWD shall not send the NA 960 to the household.
- .272 If a household responds to an NA 960 provided under Section 63-504.271 by submitting an incomplete CA 7, the CWD need not provide a second NA 960 to the household.

.3 Monthly Reporting

The CWD, at the time of the application interview, shall determine which households are subject to monthly reporting requirements, as specified in Section 63-505.2. The CWD shall provide all monthly reporting households with the monthly eligibility report (CA 7) for reporting the information and changes required by Section 63-505.3. Additionally, the CWD shall provide assistance in completing and filing the CA 7 to households whose adult members are all either mentally or physically handicapped or lacking in reading and writing skills such that they cannot complete and file the CA 7. The CWD shall require monthly reporting households to submit on a monthly basis a complete CA 7 by the 5th of each report month. The recipient due dates and CWD time limits shall be modified by Sections 63-102(kkk) and (III). If the household fails to submit a complete CA 7 by the 11th of the report month, the CWD shall take action, in accordance with Section 63-504.33.

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued) 63-504**.31 CWD Action on the CA 7**

.311 Upon receiving the CA 7 the CWD shall:

- (a) Review the report to ensure completeness and consider the report incomplete if it does not meet the criteria for a complete CA 7, as defined in Section 63-504.32.
- (b) Determine those items which will require additional verification and/or clarification, in accordance with Section 63-504.34.
- (c) Notify the household, as specified in Section 63-504.33, of the need to correct an incomplete or inaccurate CA 7, and/or submit additional verification/clarification, as required by Section 63-504.34.
- (d) Determine the household's eligibility prospectively by considering all factors, including income, in accordance with Section 63-503.321(a).
- (e) Determine the household's level of benefits based on actual information reported on the CA 7 and household composition determined as of the issuance month, in accordance with Section 63-503.3. In calculating the household's benefit level, the following income and deductions shall be considered:
 - (1) Earned and unearned income received in the corresponding budget month. The CWD shall use the actual amount received by the household to compute benefits, except as provided in Section 63-503.22.
 - (2) Allowable deductions as billed or averaged from the corresponding budget month, including those shelter costs billed less often than monthly which the household has chosen to average.
- (f) Issue benefits, in accordance with the time frames set forth in Section 63-504.38.

.32 Complete CA 7

The CWD shall consider the CA 7 complete if all of the following requirements are met:

- .321 The CA 7 is dated no earlier than the first of the report month. This requirement shall be met when the date entered on the CA 7, together with other dated material provided with the form, and the date on which the CWD mailed or gave the form to the household clearly establishes the month and year to which the CA 7 applies;
- .322 The CA 7 provides the CWD with address (location) information sufficient to locate the household;
- .323 The CA 7 is signed by the head of household, authorized representative, or responsible household member. The PA caretaker relative, natural or adoptive parent, if not one of the above, shall not satisfy this requirement;

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued) 63-504

.324 All questions and items pertaining to food stamp eligibility and benefit level are fully answered and provide the CWD with the information to correctly determine eligibility and benefit level.

(a) To be considered fully answered, information on the CA 7 together with attached documentation must provide sufficient information to allow for the determination of eligibility and/or benefit level except for the following:

(1) If earnings are reported the name of the person(s) who received the income, amount of pay and date(s) received, and the days and hours worked must be on the CA 7. In addition, documentation must be attached to the CA 7.

(2) If elements pertaining to one program's requirements are missing from the CA 7, the CA 7 shall be considered incomplete for that program only.

(b) Questions on the CA 7 shall not be considered fully answered if situations such as, but not limited to the following, exist:

(1) The CA 7 does not include information on changes that the household has previously reported to have occurred, i.e., an actual change that the household reported to the CWD by telephone was not included on the CA 7; or

(2) The CA 7 does not include information that was reported on the previous CA 7 and the household does not indicate a change has occurred, e.g., the household previously reported earnings from two sources and this month reports earnings from one source but does not explain the change.

.325 Verification is provided for gross nonexcluded earned income each month and nonexcluded unearned income when first reported and when there is a change, except as specified in Section 63-505.311;

.326 Verification is provided for the source of all excluded income when first reported and when there is a change in the source of the income.

.33 CWD Action on an Incomplete CA 7

The CWD shall send the NA 960, in accordance with Section 63-504.27, to a household that fails to report by the 11th of the report month or fails to file a complete CA 7, as described in Section 63-504.32. The CWD shall allow the household until the first of the issuance month to file a complete CA 7. The CWD shall terminate the household effective the end of the report month, in accordance with Section 63-504.36, if the household fails to file a complete CA 7 by the extended filing date.

.34 CWD Action on a Complete CA 7 Requiring Additional Verification/Information

The CWD shall require households to submit with the CA 7, verification of the items listed in Section 63-504.341. If the household submits the CA 7 by the date the CWD mails the NA 960, but fails to provide the required verification with the CA 7, the CWD shall notify the household (DFA 377.4) of the need to submit the missing verification by the extended filing date. The CWD shall not delay the benefits of a household submitting a complete CA 7 that is missing verification of a deduction. If the household fails to provide the missing verification, other than income verification, by the extended filing date, the CWD shall not consider the CA 7 incomplete, but shall instead disallow any deductions for which the household has not provided verification, except those items specified in Sections 63-504.341(g) and (h), which shall be handled, in accordance with Section 63-504.342.

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- .341 The household shall provide with the CA 7 verification of the following items:
- (a) Dependent care costs;
 - (b) Medical expenses;
 - (c) Housing costs when first allowed as a deduction and when there is a move or change in amount;
 - (d) Utility costs which entitle the household to the standard utility allowance (SUA). The household shall provide verification of these costs when first allowed entitlement to the SUA and when the household moves;
 - (e) Actual utility costs, if the household is claiming the actual expenses with each CA 7 submitted;
 - (f) All expenses incurred in producing self-employment income;
 - (g) Residency as defined in Section 63-401 when there is a change;
 - (h) Social Security numbers or citizenship or alien status for household members when there is a change.
- .342 If the household submits information and/or verification with the CA 7 which the CWD determines to be questionable, in accordance with Section 63-300.53, the CWD shall notify the household (DFA 377.4) and allow the household until the extended filing date to submit the necessary verification/clarification. If the household fails to submit the necessary verification/clarification by the extended filing date, the CWD shall act on the reported information if it results in a decrease in benefits, or not act on the reported information if it results in an increase.
- .343 The CWD shall contact the household as needed to obtain further information on specific items. These items include, but are not limited to:
- (a) The effect of a reported change in resources on a household's total resources; and
 - (b) The effect of a reported change in household composition on the applicability of the work registration requirement.

.35 Action on Reported Information

- .351 The CWD shall take prompt action on all changes to determine if the reported information affects the household's eligibility and/or benefit level. If the reported change results in the household becoming ineligible, the CWD shall terminate the household effective the next issuance month in accordance with Section 63-504.36 unless the household is suspended, in accordance with Sections 63-504.371 or .372.
- .352 If the reported change (except as described in Section 63-504.353) results in an increase or decrease in benefits to the household, the CWD shall make the change effective the next issuance month and notify the household of the change, in accordance with Section 63-504.26.

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- .353 If the reported change results in an increase or decrease in a household's benefits due to the addition of a new household member, the CWD shall make a determination of the new household member's eligibility within 30 days of the date the change was reported, as provided in Section 63-301.1. To complete this determination, the CWD shall have the option of requiring the household to complete the CA 8, or, contact the household to obtain the necessary information for the new member and update the last application. However, if the household has experienced a change in circumstances that brings continued eligibility into question, the CWD may shorten the certification period of the household, in accordance with Section 63-504.14, and proceed to recertify the household. The CWD shall issue benefits for the new member effective the 1st of the month following the month in which the change was reported. The new member shall be required to comply with the verification requirements contained in Section 63-300.5 and the work registration requirements contained in Section 63-407. If the new member is not eligible to participate, the CWD shall treat the income of that excluded member in accordance with Section 63-503.44.
- (a) The CWD shall prospectively budget the new member's income and specific deductions in combination with the existing household's retrospectively budgeted income and deductions to determine the household's benefit level for the first two months the new member is added to the household. The entire household shall be retrospectively budgeted in the third and subsequent months.
 - (b) The CWD shall provide the household with a notice of change (DFA 377.4), in accordance with Section 63-504.26, if the new member's income and resources make the household ineligible or result in a reduction or increase in benefits to the household.
- .354 If the household reports the addition of a new member after the extended filing date for the appropriate month, the CWD shall determine the effect of the new member's income, resources, and deductions on the existing household's eligibility and benefit level.
- (a) The CWD shall prospectively budget the income and deductions of the new member for the first two months following the month in which the new member should have been included as a member of the household. The CWD shall then follow the budgeting procedures as specified in Section 63-504.353(a).
 - (b) The CWD shall establish a claim against the household, in accordance with Section 63-801, to recover any overissuances resulting from the unreported addition of the household member.
 - (c) The household shall not be entitled to any restoration of lost benefits resulting from the unreported addition of the household member, in accordance with Section 63-802.1.

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- .355 The household shall provide, as required by the CWD, information necessary to complete the determinations in Sections 63-504.353 and .354. If the household refuses to provide such information, it shall be terminated in accordance with Section 63-505.1. If the household fails to report the necessary information on the CA 7 regarding the new member, it shall be terminated in accordance with Section 63-504.361(b).
- .356 The income and specific deductions of a member leaving the household shall be disregarded when determining the household's eligibility and benefit level for the month following the month in which the change occurred and was subsequently reported. The household shall be provided with a notice of change (DFA 377.4) if the household's allotment increases or decreases. The remaining household members' benefit level shall continue to be retrospectively budgeted.
- .357 If a household reports a change outside of the CA 7, the CWD shall evaluate the effect of the change on the household's eligibility and benefit level. Regardless of the effect, the CWD shall inform the household to include the information on the next month's CA 7 and inform the household of any additional verification requirements.
- (a) If the change results in the household being ineligible, the CWD shall terminate the household effective the first issuance month following the timely notice of adverse action.
 - (b) If the change affects the benefit level, the CWD shall note the information in the case file, reflect the change in the corresponding issuance month, and notify the household, in accordance with Section 63-504.26.
- .36 Termination
- .361 The CWD shall terminate a monthly reporting household's participation in the Food Stamp Program if the household:
- (a) is no longer eligible for food stamps, unless suspended in accordance with Sections 63-504.371 or .372. If the CWD determines that a change in household circumstances makes the household prospectively ineligible for one or more months, the household shall be terminated, except as provided in Sections 63-504.371 or .372. The household shall be notified in accordance with Section 63-504.261;
 - (b) fails to submit a complete CA 7 by the extended filing date. The household shall be notified in accordance with Section 63-504.27;
 - (c) fails to comply with a nonfinancial eligibility requirement, such as registering for employment. The household shall be notified in accordance with Section 63-504.261.
- .362 If a household which has been terminated reapplies in the month following termination, the household shall be required to provide the CA 7 which is due in the month following termination. If the household was terminated in accordance with Section 63-504.361(b), it shall also be required to submit the missing CA 7. If the household fails to provide the CA 7(s), the reapplication shall be denied. Additionally, the food stamp application form (DFA 285-A2) shall be required. The application shall be processed in accordance with Section 63-504.642.
- .363 If a household which has been terminated submits a complete CA 7 after the issuance month, the household shall be required to complete the food stamp application forms and the CWD shall consider the application as an initial application.
- .37 Suspension
- .371 The CWD shall suspend a household, in the issuance month corresponding to the budget month in which the change occurred, if receipt of an additional routine check (third check for those paid biweekly and fifth check for those paid weekly) results in a period of ineligibility lasting no more than one month.

**63-504 HOUSEHOLD CERTIFICATION AND
CONTINUING ELIGIBILITY (Continued)****63-504**

.372 For changes that could not be or were not anticipated by the household or the CWD and that result in a one-month period of ineligibility, the CWD shall suspend the household for the issuance month corresponding to the budget month in which the change occurred.

(a) If a suspended household experiences an unanticipated change resulting in an additional one month period of ineligibility, the CWD shall terminate the household at the end of the month of suspension. If the household reapplies in the month following termination and is prospectively determined to be eligible for benefits, the CWD shall approve the application. If ineligible in the month of reapplication due to retrospective budgeting, the CWD shall suspend the household for the month of reapplication and continue to retrospectively budget the household's income and deductions in the subsequent months.

.373 The CWD shall provide the household with a notice of suspension (DFA 377.4), in accordance with Section 63-504.262, and supply the household with a CA 7 for the month of suspension.

.374 The household shall be required to submit the complete CA 7 by the normal due date. If the household fails to submit the CA 7 by the normal due date, the CWD shall send an NA 960 to the household in accordance with Section 63-504.33.

.375 If the suspended household fails to respond to the NA 960 for the month of suspension by the extended filing date, the CWD shall terminate the household.

.376 Retrospective budgeting shall be used to calculate the household's benefit level in the month following suspension, if the household is eligible to participate in the Food Stamp Program.

.38 Issuance of Benefits**.381 Timely Issuance**

The CWD shall issue benefits by the household's regular issuance date, to an eligible household which has filed a complete CA 7 by 10 days before the end of the report month.

.382 Delayed Issuance

If an eligible household fails to file a complete CA 7 after 10 days before the end of the report month, but files a complete CA 7 by the extended filing date, the CWD shall issue the household's benefits as soon as administratively feasible. However, if necessary the CWD may delay providing the household an opportunity to participate up to 10 days after its normal issuance date, but in no event, later than the 15th day of the issuance month.

.39 Mass Changes

Certain changes are initiated by the state or federal government which may affect the entire caseload or significant portions of the caseload. These changes include adjustments to the income eligibility standards, the shelter/dependent care deductions; the thrifty food plan and standard deduction; seasonal adjustments to the standard utility allowance; and other changes in the eligibility criteria based on legislative or regulatory actions.

**63-504 HOUSEHOLD CERTIFICATION AND
CONTINUING ELIGIBILITY (Continued)****63-504****.391 Federal Adjustments to Eligibility Standards, Allotments, Deductions, and State
Adjustments to the Standard Utility Allowance.**

- (a) These adjustments shall go into effect for all households at a specific point in time. Adjustments to the thrifty food plan, the standard deduction, shelter/dependent care deduction, and the maximum income eligibility standards shall be effective for all issuances upon the effective dates, as specified in Handbook Section 63-1101.
- (b) A Notice of Adverse Action is not required, for these mass changes, however, the CWD shall publicize these mass changes through the news media; posters in certification offices, issuance locations, or other sites frequented by certified households; or general notices mailed to households.

.392 Mass Changes in Public Assistance

- (a) When the CWD makes an overall adjustment to public assistance payments, corresponding adjustments in household's food stamp benefits shall be handled as a mass change. When the CWD has at least 30 days' advance knowledge of the amount of the public assistance adjustment, the CWD shall recompute food stamp benefits to be effective in the same month as the public assistance change. If the CWD does not have sufficient notice, the food stamp change shall be effective not later than the month following the month in which the public assistance change was made.
- (b) A Notice of Adverse Action is not required when a household's food stamp benefits are reduced or terminated as a result of a mass change in the public assistance grant. However, the CWD shall send individual notices to households to inform them of the change. If a household requests a fair hearing, benefits shall be continued at the former level only if the issue being appealed is that food stamp eligibility or benefits were improperly computed.

4 Effecting Changes for Nonmonthly Reporting Households**.41 Change Report Form (DFA 377.5)**

The CWD shall provide all households which are exempt from food stamp monthly reporting with a DFA 377.5, as specified in Sections 63-505.22.

- .411 At a minimum, a DFA 377.5 shall be provided to each nonmonthly reporting household at the time of certification, at recertification, if the household needs a new form, and whenever a DFA 377.5 is returned by the household.

.42 Action on Reported Changes

- .421 The CWD shall take prompt action on all reported changes to determine if the change affects the household's eligibility or allotment. The CWD shall document in the case file the date the change is reported by telephone or personal contact or the date the DFA 377.5 is received, and shall notify the household of any change in its allotment in accordance with Section 63-504.26, or shall advise the household of any additional verification required in order to effect the change, and shall send a new DFA 377.5. Restoration of lost benefits shall be provided to a household if the CWD fails to take action on a change which increases benefits, within the time frames specified in Sections 63-504.422(a) and (b).

**63-504 HOUSEHOLD CERTIFICATION AND
CONTINUING ELIGIBILITY (Continued)****63-504****.422 Increase in Benefits**

- (a) For changes which result in an increase in a household's allotment other than the changes described in Section 63-504.422(b), the CWD shall make the change effective not later than the first allotment issued 10 days after the date the change was reported to the CWD.
- (b) For changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of \$50 or more in the household's gross monthly income, the CWD shall make the change effective not later than the month following the month in which the change is reported. If the change is reported after the 20th day of a month and it is too late for the CWD to adjust the following month's allotment, the CWD shall issue a supplementary ATP or otherwise provide an opportunity for the household to obtain the increase in benefits by the 10th day of the following month, or the household's normal issuance cycle in that month, whichever is later.
- (c) Changes which result in an increase in the household's benefits shall be verified, in accordance with the requirements of Section 63-300.5, prior to taking action on these changes. The household shall be allowed 10 days from the date the change is reported to provide the required verification. If the household provides verification within the 10 days, the CWD shall take action on the changes within the time frames specified in Sections 63-504.422(a) and (b). These time frames shall run from the date the change was reported. If, however, the household fails to provide the required verification within 10 days after the change is reported, but provides the verification at a later date, the time frames specified in Sections 63-504.422(a) and (b) for taking action on changes, shall run from the date verification is provided. In cases where the CWD has determined that a household has refused to cooperate, as defined in Section 63-505.1, the CWD shall terminate the household's eligibility following a timely notice of adverse action (DFA 377.4).

.423 Decrease in Benefits

If the household's benefits decrease or the household becomes ineligible as a result of the change, the CWD shall issue a timely notice of adverse action (DFA 377.4) within 10 days of the date the change was reported. The decrease in benefits shall be made effective not later than the issuance date for the month following the month in which the timely notice of adverse action period expires, provided a state hearing and continuation of benefits have not been requested.

.43 Migrant Farmworker Households Receiving PA Benefits

- .431 PA households which report a change in circumstances to the CWD shall be considered to have reported the change for food stamp purposes.

**63-504 HOUSEHOLD CERTIFICATION AND
CONTINUING ELIGIBILITY (Continued)****63-504**

.432 The CWD shall use the monthly eligibility report (CA 7) as the food stamp report form for PA households. The CWD shall ensure that the following requirements are met for PA households not subject to food stamp monthly reporting:

- (a) These households shall not have their eligibility terminated or allotments changed merely because they fail to submit one or more of the system's regular reports. If a household's PA benefits are terminated due to the household's failure to submit a timely or complete CA 7, the CWD shall follow the procedures set forth in Section 63-504.435.
- (b) These households shall be considered to have timely reported changes if the CA 7 is submitted within the time frames for submitting a timely CA 7 or the change was reported within 10 days of the date the change became known to the household, whichever is later.
- (c) The CWD shall not restrict these households to reporting changes only on the CA 7. These households shall be allowed to report changes on the CA 7, in person or by telephone.
- (d) The CWD shall act on all changes reported on the CA 7, in accordance with the processing standards in Section 63-504.42. The CWD shall ensure that adjustments are made in a household's eligibility or allotment only for those months in which the reported change is anticipated to remain in effect.

.433 These households shall be notified (DFA 377.4) whenever their benefits are changed as a result of changes in the PA benefits. If the PA benefits are terminated, but the household is still eligible for food stamp benefits, members of the household shall be advised of food stamp work registration requirements, if applicable, as their PA work registration exemption no longer applies.

.434 Whenever a change results in the reduction or termination of a household's PA benefits within its food stamp certification period, and the CWD has sufficient information to determine how the change affects the household's food stamp eligibility and benefit level, the CWD shall take the appropriate action, specified in Sections 63-504.434(a) and (b).

- (a) If a change in household circumstances requires both a reduction or termination in PA benefits and a reduction or termination in food stamp benefits, the CWD shall provide the household with a timely notice of adverse action (DFA 377.4) at the same time that it provides the household with the appropriate PA notice of action.

If the household requests a state hearing and continuation of benefits by the effective date of the action, the household's food stamp benefits shall be continued on the basis authorized immediately prior to the sending of the notice, in accordance with Section 63-804. If the household does not appeal the change shall be made effective, in accordance with the procedures specified in Section 63-504.42.

**63-504 HOUSEHOLD CERTIFICATION AND
CONTINUING ELIGIBILITY (Continued)****63-504**

- (b) If the household's food stamp benefits will be increased as a result of the reduction or termination of PA benefits, the CWD shall issue the appropriate PA notice of action, but shall not take any action to increase the household's food stamp benefits until the household decides whether it will appeal the PA adverse action. If the household decides to appeal and its PA benefits are continued, the household's food stamp benefits shall continue at the same level until the end of the household's certification period or until a hearing decision upholds the CWD action to reduce or terminate PA benefits, whichever occurs first. If the household does not appeal the CWD shall make the change effective in accordance with the procedures specified in Section 63-504.421, except that the time limits for the CWD to act on changes which increase a household's benefits shall be calculated from the date the timely PA notice of action period expires.

.435 Whenever a change results in the termination of a household's PA benefits within its food stamp certification period, and the CWD does not have sufficient information to determine how the change affects the household's food stamp eligibility and benefit level, the CWD shall take the appropriate action, as specified in Sections 63-504.435(a) or (b).

- (a) When a PA notice of action has been sent the CWD shall wait until the household's timely notice of adverse action period expires or until the household requests a state hearing, whichever occurs first. If the household requests a state hearing and its PA benefits are continued pending the hearing, the household's food stamp benefits shall be continued at the previous level.

- (b) If a PA notice of adverse action is not required, or the household decides not to request a state hearing and continuation of its PA benefits, the CWD shall shorten the household's certification period, in accordance with Section 63-504.14.

.44 Failure to Report

If the CWD discovers that the household failed to report a change as required by Section 63-505.5 and, as a result, received benefits to which it was not entitled, the CWD shall file a claim against the household, in accordance with Section 63-801. If the discovery is made within the certification period and the household's benefits are reduced or terminated the CWD shall provide the household with a timely notice of adverse action (DFA 377.4). A household shall not be held liable for a claim because of a change in household circumstances which it is not required to report, in accordance with Section 63-505.5. Individuals shall not be disqualified for failing to report a change unless the individual is disqualified, in accordance with the fraud disqualification procedures specified in Section 63-805.

.45 Mass Changes

Mass changes for nonmonthly reporting households shall be processed in accordance with Section 63-504.39.

.5 Certified Monthly Reporting Households Applying for Aid in a New County

**63-504 HOUSEHOLD CERTIFICATION AND
CONTINUING ELIGIBILITY (Continued)****63-504**

- .51 The applications of households which were certified for Food Stamp Program participation in one county or state and which move to another county or this state and apply for benefits without at least a one-month break in certification, shall be treated as initial applications, except they shall not be entitled to expedited services and shall continue to be retrospectively budgeted, as specified in Section 63-504.511.
- .511 Households which were subject to retrospective budgeting in the previous county or state shall continue to be retrospectively budgeted, unless the household is now excluded, as specified in Section 63-505.2.
- .512 The CWD shall assist all households, as specified in Section 63-301.56, in obtaining any missing verification which the household had provided to the county or state in which the household was previously certified.
- .6 Recertification of All Households
- .61 General Requirements
- .611 The CWD shall complete the application process and approve or deny a timely application for recertification prior to the end of household's current certification period and shall provide an eligible household with an opportunity to participate by the household's normal issuance cycle in the month following the expiration of the household's certification period. The joint processing requirements in Section 63-301.6 for PA households shall also apply to applications for recertification.
- .612 All households shall be provided a notice of expiration in accordance with Section 63-504.251.
- .613 Timely and Untimely Application for Recertification
- (a) Monthly reporting households which file a complete monthly report on or before the 11th of the last month of the certification period, and an application no later than the recertification interview shall be considered to have made a timely application for recertification.
- (b) All nonmonthly reporting households, except those specified in Section 63-504.613(c), which file applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.
- (c) Nonmonthly reporting households provided a notice of expiration at the time of certification, in accordance with Section 63-504.251(b), shall have 15 days from the date the notice is received to file a timely application for recertification.
- (1) To aid the CWD in determining if adequate time has been permitted, the CWD shall use the date on the notice of expiration, plus two days for mailing time. In cases of dispute, if the household can demonstrate that the notice of expiration was not received in a timely manner and otherwise submits its application with 15 days after receiving the notice of expiration the CWD shall consider the household to have made a timely application for recertification.
- (d) Households which file an application for recertification after the appropriate date specified in Sections 63-504.613(a), (b) or (c), but by the end of the certification period, shall be considered to have made an untimely application for recertification.

**63-504 HOUSEHOLD CERTIFICATION AND
CONTINUING ELIGIBILITY (Continued)****63-504****.62 Process for Recertifying and Action on Timely Reapplications for Monthly Reporting Households**

.621 The CWD shall mail the application form (DFA 285-A2) to the household along with the notice of expiration. The CA 7 shall be mailed to the household in accordance with its normal mailing time or along with the NEC in accordance with Section 63-504.251. Return of both the CA 7 and the application form is required to complete the recertification.

(a) The CA 7 shall be submitted to the CWD in accordance with the dates specified in Section 63-504.3. To complete the recertification, the CA 7 shall be completed in accordance with Section 63-504.32.

(b) The application form shall be submitted to the CWD no later than the time of the interview.

.622 The CWD shall conduct a complete interview with a household member or authorized representative.

(a) Households receiving a notice of expiration shall not be required to appear for an interview before the last month of their current certification period. However, after the household has been provided a notice of expiration, the CWD may schedule an interview in the month prior to the last month of the certification period or prior to the date the CA 7 and application are filed, provided the household is not denied for failing to appear for the interview.

(b) The CWD shall schedule an interview any time during the last month of the certification period on or after the date the CA 7 is received if the interview has not been previously conducted or the household has failed or refused to appear for any previously scheduled interviews.

(1) If the household has not previously filed a complete CA 7, the household may submit it at the interview. In no event shall the reapplication be considered timely if a complete CA 7 is submitted after the 11th of the last month of the certification period.

(c) A household which fails without good cause to appear for an interview scheduled after the CA 7 is timely filed shall lose its right to uninterrupted benefits, but shall not be denied at that point, unless it has refused to cooperate.

.623 For those households that have timely reapplied, the CWD shall approve or deny the application and notify the household on the DFA 377.1 of its determination by the end of the current certification period. In addition, for households determined eligible, the CWD shall provide an opportunity to participate by the household's normal issuance date in the month following receipt of the timely reapplication even if the CWD must provide an opportunity to participate outside of the normal issuance system. Households which have timely reapplied, but due to the CWD error are not determined eligible in sufficient time to provide for issuance on the household's normal issuance date for the following month, shall receive an immediate opportunity to participate upon being determined eligible, even if the CWD must provide an opportunity to participate outside of the normal issuance system.

**63-504 HOUSEHOLD CERTIFICATION AND
CONTINUING ELIGIBILITY (Continued)****63-504**

- (a) The CWD shall recertify the household using information on the CA 7 for the corresponding budget month to determine the household's benefit level for the first month of the new certification period.
 - (b) The CWD shall delay reflecting information from the recertification interview in the household's benefit level until the second month of the new certification period in order to continue retrospective budgeting. The CWD may delay reflecting information from the recertification interview regarding the household's eligibility until the second month of the new certification period if additional time is needed to complete processing the recertification.
- .624 PA households that are jointly processed in accordance with Section 63-301.6 shall, to the extent possible, be recertified for food stamps at the same time that their PA eligibility is redetermined. They may be recertified in the month prior to the last month of the certification period in conjunction with the PA redetermination, except that, if the recertification is not completed in that month, it shall be pended and the household shall be provided a notice of expiration in accordance with Section 63-504.251. The recertification shall be completed during the last month of the certification period, as specified in Sections 63-504.621, .622, and .623. When the recertification is completed in the month prior to the last month of the certification period, the new certification period shall begin with the last month of the old certification period.
- .625 Households that receive a notice of expiration shall be subject to the verification requirements specified in Section 63-504.3 for information provided on the CA 7, but shall not be subject to the other CA 7 processing provisions contained in Section 63-504.3 in the last month of the certification period since recertification Provisions in Section 63-504.6 are in effect in this month. PA households whose recertifications are completed in the month prior to the last month of the certification period shall be subject to all provisions of Section 63-504.3 in that month, except that they shall be provided a DFA 377.1, instead of a DFA 377.4.

In addition, all changes reported on the application shall be subject to the same verification procedures as apply at initial certification.

- .63 Process for Recertifying Nonmonthly Reporting Households and Action on Timely Reapplications
- .631 The CWD may send an application form with the notice of expiration and include an appointment date for an interview and the application form and appointment date may be mailed separately.
- .632 The CWD shall not require households receiving notices of expiration to appear for an interview before the last month of their current certification period. However, after the household has been provided a notice of expiration, the CWD may schedule an interview in the month prior to the last month of the certification period and prior to the date the application is timely filed, provided the household is not denied for failing or refusing to appear for the interview. The CWD shall schedule an interview on or after the date the application was timely filed if an interview has not been previously scheduled or the household has failed or refused to appear for any interviews scheduled prior to the date the application was timely filed. A household which fails without good cause to appear for an interview scheduled after the application is timely filed shall lose its right to uninterrupted benefits, but shall not be denied at that point unless it has refused to cooperate.

**63-504 HOUSEHOLD CERTIFICATION AND
CONTINUING ELIGIBILITY (Continued)****63-504**

.633 The CWD shall take action on timely reapplications within the time standards listed below. Households which have timely reapplied, but due to CWD error are not determined eligible in sufficient time to provide for issuance on the household's normal issuance date for the following month, shall receive an immediate opportunity to participate upon being determined eligible, even if the CWD must provide an opportunity outside the normal issuance system.

- (a) Households that were provided a notice of expiration at the time of certification and that have timely reapplied shall be notified of their eligibility or ineligibility and provided an opportunity to participate, if eligible, not later than 30 days after the date the household had an opportunity to obtain its last allotment.
- (b) For those households that have filed an application by the 15th of the last month of their certification period, the CWD shall approve or deny the application and notify the household on the DFA 377.1 of its determination by the end of the current certification period. In addition, for households determined eligible, the CWD shall provide an opportunity to participate by the household's normal issuance cycle in the month following receipt of the timely reapplication. Households which have timely reapplied, but due to CWD error are not determined eligible in sufficient time to provide for issuance in the household's normal issuance cycle for the following month, shall receive an immediate opportunity to participate upon being redetermined eligible.

.634 The following verification requirements shall apply at recertification:

- (a) The CWD shall verify a change in income, medical expenses, or actual utility expenses claimed by a household if the source has changed or the amount has changed by more than \$25 since the last time they were verified.
- (b) Unchanged information, or changes of \$25 or less in income, medical expenses or utility expenses shall not be verified at recertification, unless the information is questionable.
- (c) Newly obtained social security numbers shall be verified at recertification, in accordance with verification procedures outlined in Section 63-404.2.

.64 Additional General Requirements

.641 CWD Failure to Act

CWD failure to provide eligible households which filed a timely application for recertification with an opportunity to participate, in accordance with Sections 63-504.623 and .633, shall be considered an administrative error. These households shall be entitled to restoration of lost benefits if, as a result of such error, the household was unable to participate for the month following the expiration of the certification period.

**63-504 HOUSEHOLD CERTIFICATION AND
CONTINUING ELIGIBILITY****63-504****.642 Failure to Submit a Timely Reapplication**

Any household which fails without good cause to submit a timely application for recertification, or to appear for an interview scheduled after the household timely filed its monthly report and/or application for recertification, shall lose its right to uninterrupted benefits. Households which refuse to cooperate in providing required information shall be denied. Any untimely application for recertification shall be treated as an application for initial certification, except that the verification requirements specified in Sections 63-504.625 or .635, shall apply. For applications received in the month following the expiration of the certification period, benefits shall be prorated as specified in Section 63-503.13.

.643 Good Cause for Failure to Timely Reapply

If the CWD determines that any household's failure to make timely application or to otherwise complete the certification process in a timely manner, was for good cause, the household shall be entitled to restoration of lost benefits if as a result of its failure, the household was unable to participate in the month following the expiration of its certification period. The determination of good cause shall be made on a case-by-case basis, and shall include, but not be limited to, failure to receive timely notice of expiration or personal illness.

.7 Identification (ID) Cards

.71 The CWD shall issue an ID card to each certified household as proof of program eligibility. The ID card may be serially numbered at the CWD's option, except as provided in Section 63-504.8. ID cards shall be issued in the name of the household member who is authorized to receive the household's issuance. A household member and any authorized to received the household's issuance. A household member and any authorized representative(s) shall sign the ID card prior to using it, except as provided in Section 63-504.8.

.711 If the household does not name an authorized representative, the CWD shall void the area of the ID card to prevent names and signatures from being entered at a later date.

.712 The CWD shall place an expiration date only on those ID cards issued to households that have been certified for delivered meals for a temporary period.

.72 Specially Marked ID Cards

.721 Any household eligible for and interested in using delivered meal services shall receive an ID card marked with the letter "M".

.722 Any household eligible for and interested in using communal dining facilities shall receive an ID card marked with the letters "CD".

.73 Mailing ID Cards

ID cards delivered to a household by mail shall not be mailed in the same envelope with an ATP or coupons.

.74 Replacement of ID Cards

The CWD shall limit issuance of ID cards to the time of initial certification, with replacements made only in instances of loss, mutilation, destruction, changes in persons authorized to obtain or use coupons, or when the ID card format or system changes.

**63-504 HOUSEHOLD CERTIFICATION AND
CONTINUING ELIGIBILITY (Continued)****63-504****.8 Photo ID Cards/Systems****.81 Mandatory Photo ID Cards**

- .811 The use of photo ID cards is mandated in any county or portion thereof with 100,000 or more food stamp recipients.
- .812 In addition, FNS may designate at any time a county or portion thereof with less than 100,000 recipients, as requiring the use of photo ID cards, if determined that the institution of photo ID cards will be justified.
- .813 Any CWD may request that FNS mandate photo ID cards throughout its entire county by contacting SDSS.

.82 Exemption from a Photo ID System

In counties mandated to use photo ID cards the CWD may apply for an exemption from photo ID cards from FNS through SDSS if:

- .821 The CWD is serviced entirely by mail issuance.
- .822 The CWD serves between 100,000 and 110,000 recipients and within 30 days of the notice of intent to require photo ID cards the CWD demonstrates to FNS through SDSS that participation in the county has fallen below the 100,000 recipient level in the recent past or justifies why participation is likely to fall below 100,000 during the next year.

.83 Photo ID Approvals

All photo ID card systems shall be subject to FNS approval through SDSS.

.84 Requirements of Photo ID Cards

In counties mandated to use photo ID cards, the CWD shall issue photo ID cards containing at a minimum the requirements of Section 63-504.7 and the following:

- .841 A color photograph,
- .842 A serialized number,
- .843 A laminated signature of the person pictured on the card, and,
- .844 The household's case number.

.85 Use of Photo ID Cards

Only the person photographed on the photo ID card may obtain the household's coupons. A household subject to the mandatory photo ID card requirement shall not participate until a household member or a designated authorized representative is issued a photo ID card.

.86 Issuance of Photo ID Cards

- .861 The CWD shall provide households with reasonable access to photographing locations for food stamp photo ID cards.
- .862 The CWD shall replace photo ID cards, in accordance with Section 63-504.74, and in addition, when a new card is needed to update the photograph.
- .863 New photo ID cards shall also be issued when a household member becomes 60 years of age and wants a card coded "CD" for communal dining or when a resident leaves a drug or alcoholic treatment center and is no longer exempt from photo ID.
- .864 Whenever possible, the CWD shall collect photo ID cards when making a replacement.

63-504 HOUSEHOLD CERTIFICATION AND**63-504
CONTINUING ELIGIBILITY (Continued)****.87 Households Eligible for Exemptions from Photographs**

The CWD shall issue photo ID cards which meet the specifications in Section 63-504.84, but are annotated to indicate that the card is valid without a photograph when any of the following conditions exist:

- .871 The household member is a resident of a drug addict or alcoholic treatment center.
- .872 The household's religion does not allow its members to be photographed. The CWD shall require such a household to provide a signed statement to the effect that their religious beliefs do not allow them to be photographed.
- .873 The household is certified by an out of office interview, as specified in Section 63-301.4. However, the CWD should attempt to replace the nonphoto ID card with a photo ID card when the household member or authorized representative is in the office for any reason. The CWD shall not require the household member to make a special trip into the office solely for the purpose of issuing a photo ID card.
- .874 The household is entitled to expedited service, and the photo ID card system is incapable of producing a photo ID card in time for the household to participate, as specified in Section 63-301.5. An expiration date shall be placed on those nonphoto ID cards that are issued to households eligible for expedited services. A photo ID card shall be obtained prior to issuance of the household's next allotment.

.88 Photo ID Card Waivers

- .881 One or more of the minimum photo ID requirements in Section 63-504.84 may be waived for any CWD that can demonstrate that its alternate ID card or system will provide adequate safeguards against fraudulent and duplicate issuances.
- .882 In counties where photo ID cards are mandated, and a waiver is desired, the CWD shall request a waiver from FNS through SDSS. Decisions on the granting of waiver will be made on a case-by-case basis.

63-504 HOUSEHOLD CERTIFICATION (Continued)

63-504

- .9 Repealed by Manual Letter 83-72 (12/1/83)
Photo ID Cards/ Systems**

63-505 HOUSEHOLD RESPONSIBILITIES**63-505****.1 Household Cooperation**

To determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified. In counties where photo ID cards are mandated it is a condition of participation that a household member or its authorized representative obtain a photo identification card unless exempt under 63-504.97. If a designated authorized representative does not comply, the household may designate a household member or another authorized representative to be photographed. If the household refuses to cooperate with the CWD in completing this process, the application shall be denied at the time of refusal. For a determination that household refusal has occurred, the household must have been able to cooperate, and clearly demonstrated that it chose not to take such actions as are required to complete the application process. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied. Refusal to disclose a Social Security number is an exception to the denial of the entire household. When an individual is required to give his/her Social Security number and has refused to comply, the eligibility of the other household members will not be affected (see Section 63-404). The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes, recertifications, or as part of a quality control review. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates.

.2 Monthly Reporting/Retrospective Budgeting Households

All households participating in the Food Stamp Program except as provided in Section 63-505.22, shall report household circumstances on the CA 7 as a condition of eligibility. Households shall not be required to submit any reports of changes other than the CA 7.

.21 Exclusion from retrospective budgeting

Migrant farmworker households, as defined in Section 63-102 fff, shall be excluded from retrospective budgeting.

.22 Exclusion from monthly reporting

.221 Migrant farmworker households shall be excluded from monthly reporting while they are excluded from retrospective budgeting.

.222 Households whose members are all without earned income and are elderly or disabled shall be excluded from monthly reporting, unless these households file PA monthly reports.

.3 Reported Information for Monthly Reporting Households

Households shall report on a monthly basis, the following information about the household:

.31 Budget month income, except as specified in Section 63-505.311, deductions, household composition, and other circumstances relevant to the amount of the food stamp allotment. This information shall be reported on the CA 7.

.311 Households need not report the receipt or amount of any PA, FC, GA, RCA, or ECA payments paid by the CWD from which the household is receiving food stamp benefits.

.32 Any changes in income, deductions, resources or other relevant circumstances affecting eligibility which the household expects to occur in the current month or in future months, or which occurred in the budget month.

.33 For food stamp purposes, households need not provide PA only information requested on the CA 7.

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)**63-505****.4 Verification Responsibilities for Monthly Reporting Households**

Monthly reporting households shall provide verification of the following information reported on the CA 7:

- (a) Gross nonexcluded earned income each month; nonexcluded unearned income and the source of excluded income when first reported and when there is a change, except as specified in Section 63-505.311.
- (b) Dependent care costs with each CA 7.
- (c) Medical expenses with each CA 7.
- (d) Utility costs which entitle the household to the standard utility allowance (SUA), when first allowed and when the household moves.
- (e) Actual utility costs with each CA 7 when the household is claiming actual utility costs.
- (f) Shelter costs when the household moves or when there is a change.
- (g) Residency as defined in Section 63-401 when there is a change.
- (h) Social Security Number/citizenship/alien status of household members when there is a change.
- (i) Actual cost of doing business expenses, if self-employed, with each CA 7.

.5 Reporting Changes for Households Excluded from Monthly Reporting Requirements**.51 Household Responsibility to Report**

The CWD shall not impose any food stamp reporting requirements on nonmonthly reporting households except as provided in Section 63-505.511 through .515. Certified households shall report the following changes in circumstances:

- .511 Changes in the sources of income, in the amount of gross monthly income or medical expenses of more than \$25, (see Section 63-502.33). Changes in the public assistance or the general assistance grant are not required to be reported. Since the CWD has prior knowledge of all changes in these grants, action shall be taken on the CWD information.
- .512 All changes in household composition, such as the addition or loss of a household member;
- .513 Changes in residence and the resulting change in shelter expenses;
- .514 The acquisition of a licensed vehicle not fully excludable under Section 63-501.
- .515 When cash on hand, stocks, bonds and money in a checking or savings account reach or exceed a total of \$1,500.

.52 Other Changes

Although not required, households should be encouraged to report the following changes since such changes may entitle the household to an increased food stamp allotment.

- .521 A household member reaches age 60, or becomes disabled, as defined in Section 63-102(i).

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)**63-505**

.522 The household incurs a dependent care cost, or an increased dependent care cost (within the maximum).

.523 A change in status of citizenship or work registration.

.53 Timeliness Requirement for Reporting Changes of Nonmonthly Reporting Households

All households shall report changes within 10 days of the date the change becomes known to the household except migrant farmworker households who file PA monthly reports. The ten-day reporting period will begin the day the change becomes known. The change may be reported by telephone, by personal contact, or by mail, and may be reported by a household member, the household's authorized representative, or any person having knowledge of the household's circumstances. When the report is made by mail, it may not reach the CWD within the ten-day period. Households will have met the reporting requirement provided the letter is postmarked within the ten-day period. Migrant farmworker households which report changes on the PA monthly reporting form shall be considered to have met their food stamp reporting requirements.

This reporting requirement does not apply to households incurring an increase in monthly medical expenses of \$25 or more. To be permitted a deduction for an increase in medical expenses, the household must report the expense in the month of billing or when the bill otherwise becomes due, in accordance with Section 63-503.251 (medical expenses billing).

It is likely that households will not become aware of the exact amount of the decrease in monthly medical costs until the end of the month, when all expenses can be totaled. The CWD shall take the following action on properly reported decreases in medical expenses:

.531 If the change in monthly medical costs is a one-time only decrease and will not continue in the remaining months of the certification period, no action is required.

.532 If the decrease in monthly medical costs is expected to continue past the month of report, the CWD shall act on the change, in accordance with Section 63-504.42.

63-800 CORRECTIVE ACTIONS**63-800****63-801 CLAIMS AGAINST HOUSEHOLDS****63-801****.1 Establishing Claims Against Households**

Each CWD shall establish a claim against any household that has received more food stamp benefits than it is entitled to receive. Instances which may result in a claim include, but are not limited to, the following:

- .11 The household failed to provide the county with correct or complete information.
- .12 The household failed to report to the county changes in its household circumstances.
- .13 The household altered its ATP, or its photo ID card, or its food stamp ID card.
- .14 The household transacted both the original and its replacement ATP.
- .15 The county failed to take prompt action on a change reported by the household.
- .16 The county incorrectly computed the household's income or deductions, or otherwise assigned an incorrect allotment.
- .17 The county incorrectly issued duplicate ATP's to a household which were subsequently transacted.
- .18 The household was found to be ineligible or eligible for fewer benefits than it received pending a fair hearing decision.

.2 Nonfraud Claims

Nonfraud claims are those claims established against households for overissuances which were not caused by fraud, such as, but not limited to, overissuances caused by administrative error on the part of the county or a misunderstanding or inadvertent error on the part of the household.

.21 Criteria for Establishing a Nonfraud Claim

If less than 12 months has elapsed between the month a nonfraud overissuance occurred and the month the county discovered a specific case involving an overissuance, the county shall take action to establish a claim against the household that received the overissuance. A nonfraud claim shall not be established if an overissuance occurred as a direct result of the following errors:

- .211 A county failed to ensure that a household fulfilled the following procedural requirements:
 - a. Signed the application form;
 - b. Completed a current work registration form;
 - c. Was certified in the correct project area;

63-801 CLAIMS AGAINST HOUSEHOLDS (Continued)**63-801**

- .212 A household continued to receive food stamp allotments after its certification period has expired without benefit of a reapplication determination, regardless of a subsequent determination of eligibility or ineligibility;
 - .213 A household transacted an expired ATP, unless the household altered its ATP; or
 - .214 A household did not receive food stamp benefits at a reduced level because its public assistance grant changed and the county failed to act.
- .22 Calculating the Amount of the Nonfraud Claim
- .221 After excluding those months that are more than 12 months prior to the date the overissuance was discovered, the CWD shall determine the correct amount of food stamp benefits the household should have received for those months the household participated while the overissuance was in effect. In cases involving reported changes, the CWD shall determine the month the overissuance initially occurred as follows:
 - (a) If, due to a misunderstanding or inadvertent error on the part of the household, the household failed to report a change in its household circumstances, the first month affected by the household's failure to report shall be the first month after the month in which the change occurred. However, in no event shall the CWD determine as the first month in which the change would have been effective any month later than two months from the month in which the change in household circumstances occurred. For monthly reporting households, a claim shall be established when the household fails to report a change on the CA 7 by the extended filing date for the appropriate report month. For nonmonthly reporting households, a claim shall be established if the household fails to report a change within 10 days of the date the change became known.
 - (b) If the household timely reported a change, but the CWD did not timely act on the change, the first month affected by the CWD's failure to act shall be the first month the CWD should have made the change effective.
 - .222 If the household received a larger allotment than it was entitled to receive, the county shall establish a claim against the household equal to the difference between the allotment the household received and the allotment the household should have received.
 - .223 After calculating the amount of the nonfraud claim, the county shall offset the amount of the claim against any amounts which have not yet been restored to the household in accordance with Section 63-802.44. The county shall then initiate collection action for the remaining balance, if any.

63-803 RETURN OF COUPONS**63-803****.1 Refund of Purchase Requirement**

In the event of voluntary termination of participation in the program by a household or death of the head of the household, properly issued coupons may be returned to FNS for a refund on the same ratio of cash to coupons as was applied by the county in the issuance of the coupons to the household.

.2 Filing Refund Request

All refund claims for unused coupons must be submitted to the CWD and documented by a signed and dated Form FNS 287. At a minimum, the form:

.21 Shall be in ink or typed.

.22 Shall contain the claimant's address.

.23 Shall be dated and signed.

.24 Shall have the unused coupons attached. The county shall also provide a copy of the refund request to the household as a receipt for the coupons.

.3 FNS Payments

Counties shall forward all claims to FNS for payment.

.4 Limit on Refunds

Six months after elimination of the purchase requirement, no refunds shall be paid for coupons returned to FNS. Coupons will be accepted by FNS for accounting and disposition only. Households should be reminded that even if they are not currently eligible, properly issued coupons may be redeemed by them at any time in authorized retail stores.

63-804 STATE HEARINGS**63-804**

.1 Availability of hearings. Any household aggrieved by actions of the CWD which affect the participation of the household in the Program shall be entitled to file for a state hearing if the action is subject to a state hearing. State hearings shall be conducted in accordance with the provisions of Division 22.

.2 Notification of right to request hearing. At the time of application, each household shall be informed in writing of its right to a hearing, of the method by which a hearing may be requested, and that its case may be presented by a household member or a representative, such as a legal counsel, a relative, a friend or other spokesperson. In addition, at any time the household expresses to the county that it disagrees with a county action, it shall be reminded of the right to request a state hearing. If there is an individual or organization available that provides free legal representation in the county, the household shall also be informed of that service.

.3 Hearing request. A request for a hearing is defined as a clear expression, oral or written, by the household or its representative to the effect that it wishes to appeal a decision or that an opportunity to present its case to a higher authority is desired. If it is unclear from the household's request what action it wishes to appeal, the county may request the household to clarify its grievance. The freedom to make a request for a hearing shall not be limited or interfered with in any way.

63-804 STATE HEARINGS (Continued)**63-804**

.4 Agency conferences. The county shall offer agency conferences to households which wish to contest a denial of expedited service under the procedures in 63-301.5. The county may also offer an agency conference to households adversely affected by an agency action. The county shall advise households that use of an agency conference is optional and that it shall in no way delay or replace the state hearing process. The agency conferences may be attended by the eligibility worker responsible for the agency action, and shall be attended by an eligibility supervisor and/or the agency director, and by the household and/or its representative. An agency conference may lead to an informal resolution of the dispute. However, a state hearing must still be held unless the household makes a written withdrawal of its request for a hearing.

.41 An agency conference for households contesting a denial of expedited service shall be scheduled within two working days, unless the household requests that it be scheduled later or states that it does not wish to have an agency conference.

.5 Time period for requesting hearing. A household shall be allowed to request a hearing on any action by the county or loss of benefits which occurred within the prior 90 days. In addition, at any time within a certification period a household may request a state hearing to dispute its current level of benefits.

.6 Continuation of Benefits**.61 Request for Continuation of Benefits**

.611 If a household whose benefits have been reduced or terminated files a request for a hearing within the appropriate time frame, as specified in Section 63-804.62, and the household's certification period has not expired, the CWD shall continue the household's participation in the Food Stamp Program on the basis authorized immediately prior to the effective date of the reduction or termination unless the household specifically waives in writing the continuation of benefits.

(a) If a household requests a hearing because of the denial of a request for a replacement ATP or coupons, the denial of the request shall remain in effect pending the hearing decision.

(b) If a household requests a hearing due to a reduction or termination of benefits resulting from a mass change, except as specified in Section 63-107.9, the household shall be entitled to continuation of benefits only if the issue being contested is that its eligibility or benefits were improperly computed or that the CWD misapplied or misinterpreted state regulations.

(c) If a household requests a hearing due to a termination of benefits because the household failed to provide verification postponed for expedited service, the termination shall remain in effect pending the hearing decision.

.612 If the request for a hearing does not positively indicate that the household has waived continuation of benefits, the CWD shall assume that continuation of benefits is desired and shall issue the benefits, in accordance with Section 63-804.6.

.613 If the request for a hearing is not made within the appropriate time frame, as specified in Section 63-804.62, the CWD shall take no action to continue the household's benefits at the prior level. However, if the household establishes that its failure to make the request within the appropriate time frame was for good cause, in accordance with Section 22-053.14, the CWD shall reinstate the benefits to the prior level.

.62 Time Frame for Requesting Continuation of Benefits

A household's request for continuation of benefits shall be considered filed within the appropriate time frame if the hearing request is made within the period specified in Sections 63-804.621 through .623, for the type of notice provided to the household. If the time frame for requesting a hearing and continuation of benefits ends on a weekend or holiday, the request shall be considered timely if it is filed the day after the weekend or holiday.

63-804 STATE HEARINGS (Continued)**63-804**

- .621 A household provided a timely notice of change (DFA 377.4), shall file its request in accordance with Section 22-001.12 for a hearing prior to the effective date of the proposed reduction or termination of its benefits.
- .622 A household provided a concurrent notice of change (DFA 377.4), in accordance with Section 63-504.265(b), shall file in accordance with Section 22-001.12 its request for a hearing prior to 10 days following the date the CWD mails this notice to the household.
- .623 A household provided a notice of proposed change in benefits (DFA 377.4) or a discontinuance/reminder notice (NA 960), shall file its request prior to the effective date of the termination of its benefits.

.63 Time Frames for Providing Continuation of Benefits

The CWD shall provide continued benefits to any household entitled to such benefits within five working days following the date the CWD receives written notification from SDSS of the household's request or by the first regular issuance date that the household's benefits would have been reduced or terminated, whichever is later, except for CWDs which have local intake. CWDs with local intake shall provide continued benefits within these time frames from the date the household submits its written request to the CWD.

- .631 Any monthly reporting household whose benefits have been continued shall continue to file monthly reports (CA 7) until the end of its certification period.

.64 Changes Pending the Hearing Decision

- .641 Once continued or reinstated, benefits shall not be reduced or terminated prior to the receipt of the official hearing decision, unless any of the situation specified in Sections 63-804.641(a) through (f) occurs while the hearing decision is pending:
 - (a) A household's certification period expires. The household may reapply and may be determined eligible for a new certification period and for an allotment calculated by the CWD.
 - (b) The hearing official makes a preliminary determination in writing at the hearing as specified in Section 22-022.523 that the sole issue is one of regulation and that the household's claim that the CWD improperly computed its benefits or misapplied or misinterpreted the regulations is invalid.
 - (c) A change in household circumstances other than the issue being contested results in a reduction or termination of the household's benefits and the household fails to file a request for a hearing and continuation of benefits after receiving the corresponding notice of change (DFA 377.4).
 - (d) A mass change reduces or terminates the household's benefits and the household fails to file a request for a hearing and continuation of benefits.
 - (e) A monthly reporting household fails to provide required verification of items on the monthly report (CA 7) resulting in a reduction or termination of benefits, unless this is the issue being contested, and the household fails to file a request for a hearing and continuation of benefits after receiving the corresponding notice of proposed change in benefits (DFA 377.4) or the discontinuance/reminder notice (NA 960).

63-804 STATE HEARINGS (Continued)**63-804**

- (f) A monthly reporting household fails to file a monthly report (CA 7) or fails to file a completed monthly report by the extended filing date resulting in a termination of benefits and the household does not file a request for a hearing and continuation of benefits after receiving the corresponding discontinuance/reminder notice (NA 960).

.642 The CWD shall notify the household as specified in Section 63-504.261 whenever benefits are reduced or terminated pending the hearing decision.

.7 Timely Action on Hearing Decisions

Decisions which result in an increase in household benefits shall be reflected in the coupon allotment within 10 days of the receipt of the hearing decision even if the county must provide a supplementary ATP or otherwise provide the household with an opportunity to obtain the allotment outside of the normal issuance cycle. However, the county may take longer than 10 days if it elects to make the decision effective in the household's normal issuance cycle, provided that the issuance will occur within 60 days from the household's request for the hearing. Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.

63-805 FRAUD DISQUALIFICATION**63-805****.1 Fraud disqualification penalties.**

Fraud is defined in Section 63-801.41. Individuals found to have committed fraud through an administrative fraud hearing shall be ineligible to participate in the Program for three months. Individuals found guilty of criminal or civil fraud by a court of appropriate jurisdiction shall be ineligible for not less than six months and not more than 24 months as determined by the court. If the court fails to specify or address a disqualification period for fraud, the county shall impose a six-month disqualification period, unless contrary to the court order. If the individual does not agree to make restitution, the period of disqualification shall be continued until the individual agrees to make restitution. Individuals or the remaining household members shall be permitted to make restitution during the period of disqualification in accordance with Section 63-801.6 "Methods of Collecting Fraud Payments". The CWD shall disqualify only the fraudulent individual and not the entire household.

.2 Notification to applicant households.

The CWD shall inform the household in writing of the disqualification penalties for committing fraud each time it applies for program benefits. The penalties shall be written in clear, prominent, and bold face lettering on the application form.

.3 Administrative disqualification.

- .31 A request for an administrative fraud hearing shall be submitted to the Office of the Chief Referee, SDSS by the CWD whenever the CWD has documented evidence to substantiate that a household member has committed one or more acts of fraud as defined in this section and the CWD believes the household member should be disqualified. Such cases may include those in which the CWD believes the facts of the individual case do not warrant civil or criminal prosecution through the appropriate court system. Other cases may be those previously referred for prosecution, but for which prosecution was declined by the appropriate legal authority. Administrative fraud hearings shall be conducted by the DSS in accordance with the provisions of Division 22. Fraud hearings shall not be conducted if the amount the county suspects has been fraudulently obtained is less than \$35 or if the value of the ineligible items that have been purchased with food stamps is under \$35. The burden of proving fraud is on the CWD. The administrative fraud hearing may still be conducted regardless of whether other legal action is planned against the household member.
- .32 Also, the CWD may initiate an administrative fraud hearing regardless of the current eligibility of the individual. However, the disqualification period for nonparticipants at the time of the final hearing decision shall be deferred until the individual applies for and is determined eligible for program benefits.
- .33 Disqualification relating to the transfer of resources shall be handled in accordance with Section 63-501.6, unless fraud can be established as defined in Section 63-801.411 and .412.

**63-1101.8 RECIPROCAL TABLE FOR PRORATING INITIAL/FIRST—
MONTH'S BENEFITS****63-1101.8**

PORTION OF MONTHLY RATE OR RECIPROCAL TABLE

Day of the month	28-day Month	29-day Month	30-day Month	31-day Month	Day of the Month
1st	1.0000	1.0000	1.0000	1.0000	1st
2nd	.9643	.9655	.9667	.9677	2nd
3rd	.9286	.9310	.9334	.9355	3rd
4th	.8929	.8966	.9	.9032	4th
5th	.8571	.8621	.8667	.8710	5th
6th	.8214	.8276	.8334	.8387	6th
7th	.7857	.7931	.8	.8065	7th
8th	.75	.7586	.7667	.7742	8th
9th	.7143	.7241	.7334	.7419	9th
10th	.6786	.6897	.7	.7097	10th
11th	.6429	.6552	.6667	.6774	11th
12th	.6071	.6207	.6334	.6452	12th
13th	.5714	.5862	.6	.6129	13th
14th	.5357	.5517	.5667	.5806	14th
15th	.5	.5172	.5334	.5484	15th
16th	.4643	.4828	.5	.5161	16th
17th	.4286	.4483	.4667	.4839	17th
18th	.3929	.4138	.4334	.4516	18th
19th	.3571	.3793	.4	.4194	19th
20th	.3214	.3448	.3667	.3871	20th
21st	.2857	.3103	.3334	.3548	21st
22nd	.25	.2759	.3	.3226	22nd
23rd	.2143	.2414	.2667	.2903	23rd
24th	.1786	.2069	.2334	.2581	24th
25th	.1429	.1724	.2	.2258	25th
26th	.1071	.1379	.1667	.1935	26th
27th	.0714	.1034	.1334	.1613	27th
28th	.0357	.0690	.1	.1290	28th
29th		.0345	.0667	.0968	29th
30th			.0334	.0645	30th
31st				.0323	31st

Amend Section 63-503.232(d) to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)

63-503

.2 Determining Resources Income and Deductions (Continued)

.23 (Continued)

.232 Retrospective Budgeting (Continued)

(d) Discontinued Income

Any income that a household received in a beginning month from a source that no longer provides income to the household in the corresponding retrospectively budgeted month shall be disregarded when computing benefits for the issuance month, except as specified in Sections 63-503.232(d)(1) and (2). The CWD shall not disregard income which has been discontinued for the following reasons:

- (1) Income has been discontinued due to participation in a strike or quitting a job unless good cause has been determined in accordance with Section 63-408.3.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR 273.21(e).

Amend Section 63-504.1 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY 63-504

- .1 The CWD shall establish a definite period of time within which a household shall be certified to receive benefits. At the expiration of such certification period, entitlement to food stamp benefits shall end. Under no circumstances shall benefits be continued beyond the end of a certification period without a new determination of eligibility. See Section 63-504.6 for recertification procedures.

- .11 General Requirements for Establishing Certification Periods

Certification periods shall conform to calendar or fiscal months, except that for initial applications where benefits are prorated, the beginning date of the certification period shall be the date the application was filed in the appropriate food stamp office. At initial application, the first month in the certification period shall generally be the month of application, even if the household's eligibility is not determined until a subsequent month. For timely reapplications and recertifications, the certification period shall begin with the month following the last month of the previous certification period, except as provided in Section 63-504.634.

- .12 Additional Requirements for Establishing Certification Periods for Monthly Reporting Households

- .121 Public Assistance Households

Households in which all members are contained in a single Public Assistance (PA) grant, and the food stamp applications are processed jointly in accordance with Sections 63-301.6, shall have their food stamp recertifications, to the extent permitted by regulation, at the same time they are redetermined for PA eligibility.

The CWD shall assign PA food stamp households certification periods that expire no later than the end of the month following the month in which the PA redetermination is scheduled. The certification period shall be established for no longer than 14 months but no less than six months. The CWD shall

make every effort be permitted to recertify food stamps when the PA redetermination occurs. However, if the PA redetermination is not made by the end of the month for which it was scheduled, the CWD shall send the household a notice of expiration of its food stamp certification period in accordance with Section 63-504.624 and proceed to recertify the household for food stamps. The certification period may be shortened in accordance with Section 63-504.14.

- (a) If a household initially applies jointly for food stamps and PA benefits, a nonassistance classification shall be assigned if the food stamp application is approved prior to the PA determination being made and the certification period shall be assigned in accordance with Section 63-504.122. When the PA application is approved, the household shall be reclassified as public assistance, but the certification period shall remain as originally assigned.

•122 Nonassistance Households

All nonassistance households (NA) subject to monthly reporting shall be certified for a period not to exceed 12 months, but not less than six months.

•123 Changes in Classification

If the household classification changes and Food Stamp Program eligibility is retained, the certification period shall be changed as follows:

- (a) When all members of a currently certified NA household apply for PA benefits, the CWD shall inform the household that it may be recertified for food stamps at the same time its PA eligibility is determined. In order to do so, the household shall submit an application for recertification and have a joint interview in conjunction with processing of the PA application. If the household agrees to be recertified in accordance with the PA application, the CWD shall provide the household with the necessary forms to recertify the household. If the household is determined to be eligible for PA benefits, a new food stamp certification period shall be assigned in accordance with Section 63-504.121.

(1) If the household applying for PA benefits elects not to be recertified for food stamps in conjunction with processing of the PA application, the household's certification period shall remain as originally assigned, unless the CWD determines it is necessary to shorten the certification period in accordance with Section 63-504.14.

(b) Households which have their PA eligibility terminated shall retain their originally assigned food stamp certification period, unless the CWD determines it is necessary to shorten the certification period in accordance with Section 63-504.14.

.13 Additional Requirements for Establishing Certification Periods for Nonmonthly Reporting Households

.131 Nonmonthly reporting households shall be assigned the longest certification period possible based on the predictability of the individual household's circumstances. The certification period shall not exceed 12 months.

(a) Households shall be certified for one or two months, as appropriate, when the household cannot reasonably predict what its circumstances will be in the near future, or when there is a substantial likelihood of frequent and significant changes in income or household status.

.132 Public assistance households shall be assigned certification periods in accordance with Section 63-504.121, except that the certification period shall not exceed 12 months, but may be less than six months and shall take into consideration the predictability of the household's circumstances.

.133 Households consisting entirely of unemployable or elderly persons with very stable incomes shall be certified for up to 12 months provided other household circumstances are expected to remain stable.

.134 Changes in household classification shall be handled in accordance with provisions in Section 63-504.123,

except that new certification periods shall be assigned in accordance with Section 63-504.13.

•14 Shortening the Length of the Certification Period

- 141 The CWD may shorten the certification period of any household when the CWD determines the need to do so based on individual case circumstances which shall include, but not be limited to, those circumstances specified below. However, in no event shall the CWD shall not shorten the certification period of monthly reporting households if it will result in a certification period of less than six months, unless the household agrees to be recertified early.

- (a) Households that experience a change in circumstances that brings continued eligibility into question.

- (b) For PA households that experience a change which results in an early PA redetermination but the change does not affect food stamp eligibility, the CWD shall conduct a food stamp recertification at the same time if necessary to keep the recertification/redetermination time frames on the same schedule and if the household agrees to be recertified early.

- 142 The CWD shall provide the household with an Notice of Expiration of Certification (NEC) (DFA 377.2), in accordance with Section 63-504.252, when its certification period is shortened. The household shall be informed that its certification period has been shortened to expire at the end of the month following the month in which the NEC was sent. The specific reason for shortening the certification period shall be provided on the NEC. The recertification shall be completed in accordance with Section 63-504.6.

- 143 The CWD may terminate the household prior to the last month of the shortened certification period if the CWD receives information that renders the household ineligible and there is sufficient time to provide a notice in accordance with Section 63-504.261.

Adopt new Sections 63-504.342 and 63-504.382 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY 63-504

•3 Monthly Reporting (Continued)

•34 (Continued)

- 342 If the household submits information and/or verification with the CA 7 which the CWD determines to be questionable, in accordance with Section 63-300.53, the CWD shall notify the household (DFA 377.4) and allow the household until the extended filing date to submit the necessary verification/clarification. If the household fails to submit the necessary verification/clarification by the extended filing date, the CWD shall act on the reported information if it results in a decrease in benefits, or not act on the reported information if it results in an increase.

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

•3 Monthly Reporting (Continued)

•38 Issuance of Benefits (Continued)

•382 Delayed Issuance

If an eligible household fails to file a complete CA 7 after 10 days before the end of the report month, but files a complete CA 7 by the extended filing date, the CWD shall issue the household's benefits as soon as administratively feasible. However, if necessary the CWD may delay providing the household an opportunity to participate up to 10 days after its normal issuance date, but in no event, later than the 15th day of the issuance month.

Amend Section 63-504.6 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY 63-504

.6 Recertification of All Households

.61 General Requirements

.611 The CWD shall complete the application process and approve or deny a timely application for recertification prior to the end of household's current certification period and shall provide an eligible household with an opportunity to participate by the household's normal issuance cycle in the month following the expiration of the household's certification period. The joint processing requirements in Section 63-301.6 for PA households shall also apply to applications for recertification.

.612 All households shall be provided a notice of expiration in accordance with Section 63-504.251.

.613 Timely and Untimely Application for Recertification

- (a) Monthly reporting households which file a complete monthly report on or before the 11th of the last month of the certification period, and an application no later than the recertification interview shall be considered to have made a timely application for recertification.
- (b) All nonmonthly reporting households, except those specified in Section 63-504.613(c), which file applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.
- (c) Nonmonthly reporting households provided a notice of expiration at the time of certification, in accordance with Section 63-504.251(b), shall have 15 days from the date the notice is received to file a timely application for recertification.
 - (1) To aid the CWD in determining if adequate time has been permitted, the CWD shall use

the date on the notice of expiration, plus two days for mailing time. In cases of dispute, if the household can demonstrate that the notice of expiration was not received in a timely manner and otherwise submits its application within 15 days after receiving the notice of expiration the CWD shall consider the household to have made a timely application for recertification.

- (d) Households which file an application for recertification after the appropriate date specified in Sections 63-504.613(a), (b) or (c), but by the end of the certification period, shall be considered to have made an untimely application for recertification.

.62 Process for Recertifying and Action on Timely Reapplications for Monthly Reporting Households

.621 The CWD shall mail the application form (DFA 285-A2) to the household along with the notice of expiration. The CA 7 shall be mailed to the household in accordance with its normal mailing time or along with the NEC in accordance with Section 63-504.251. Return of both the CA 7 and the application form is required to complete the recertification.

- (a) The CA 7 shall be submitted to the CWD in accordance with the dates specified in Section 63-504.3. To complete the recertification, the CA 7 shall be completed in accordance with Section 63-504.32.

- (b) The application form shall be submitted to the CWD no later than the time of the interview.

.622 The CWD shall conduct a complete interview with a household member or authorized representative.

- (a) Households receiving a notice of expiration shall not be required to appear for an interview before the last month of their current certification period. However, after the household has been provided a notice of expiration, the CWD may schedule an interview in the month prior to the last month of the certification period or prior to the date the CA 7 and application are filed, provided the

household is made aware they will not be denied for failing to appear for the interview.

- (b) The CWD shall schedule an interview any time during the last month of the certification period on or after the date the CA 7 is received if the interview has not been previously conducted or the household has failed or refused to appear for any previously scheduled interviews.
 - (1) If the household has not previously filed a complete CA 7, the household may submit it at the interview. In no event shall the reapplication be considered timely if a complete CA 7 is submitted after the 11th of the last month of the certification period.
- (c) A household which fails without good cause to appear for an interview scheduled after the CA 7 is timely filed shall lose its right to uninterrupted benefits, but shall not be denied at that point, unless it has refused to cooperate.

.623 For those households that have timely reapplied, the CWD shall approve or deny the application and notify the household on the DFA 377.1 of its determination by the end of the current certification period. In addition, for households determined eligible, the CWD shall provide an opportunity to participate by the household's normal issuance date in the month following receipt of the timely reapplication even if the CWD must provide an opportunity to participate outside of the normal issuance system. Households which have timely reapplied, but due to the CWD error are not determined eligible in sufficient time to provide for issuance on the household's normal issuance date for the following month, shall receive an immediate opportunity to participate upon being determined eligible, even if the CWD must provide an opportunity to participate outside of the normal issuance system.

- (a) The CWD shall recertify the household using information on the CA 7 for the corresponding budget month to determine the household's benefit level for the first month of the new certification period.

- (b) The CWD shall delay reflecting information from the recertification interview in the household's benefit level until the second month of the new certification period in order to continue retrospective budgeting. The CWD may shall be permitted to delay reflecting information from the recertification interview regarding the household's eligibility until the second month of the new certification period only if additional time is needed to complete processing the recertification.

.624 PA households that are jointly processed in accordance with Section 63-301.6 shall, to the extent possible, be recertified for food stamps at the same time that their PA eligibility is redetermined. They may be recertified in the month prior to the last month of the certification period in conjunction with the PA redetermination, except that, if the recertification is not completed in that month, it shall be pended and the household shall be provided a notice of expiration in accordance with Section 63-504.251. The recertification shall be completed during the last month of the certification period, as specified in Sections 63-504.621, .622, and .623. When the recertification is completed in the month prior to the last month of the certification period, the new certification period shall begin with the last month of the old certification period.

.625 Households that receive a notice of expiration shall be subject to the verification requirements specified in Section 63-504.3 for information provided on the CA 7, but shall not be subject to the other CA 7 processing provisions contained in Section 63-504.3 in the last month of the certification period since recertification provisions in Section 63-504.6 are in effect in this month. PA households whose recertifications are completed in the month prior to the last month of the certification period shall be subject to all provisions of Section 63-504.3 in that month, except that they shall be provided a DFA 377.1, instead of a DFA 377.4.

In addition, all changes reported on the application shall be subject to the same verification procedures as apply at initial certification.

.63 Process for Recertifying Nonmonthly Reporting Households and Action on Timely Reapplications

- .631 The CWD shall provide the household with an application form. The CWD may send an the application form with the notice of expiration and include an appointment date for an interview, and or the application form and appointment date may be mailed separately.
- .632 The CWD shall not require households receiving notices of expiration to appear for an interview before the last month of their current certification period. However, after the household has been provided a notice of expiration, the CWD may schedule an interview in the month prior to the last month of the certification period and prior to the date the application is timely filed, provided the household is not denied for failing or refusing to appear for the interview. The CWD shall schedule an interview on or after the date the application was timely filed if an interview has not been previously scheduled or the household has failed or refused to appear for any interviews scheduled prior to the date the application was timely filed. A household which fails without good cause to appear for an interview scheduled after the application is timely filed shall lose its right to uninterrupted benefits, but shall not be denied at that point unless it has refused to cooperate.
- .633 The CWD shall take action on timely reapplications within the time standards listed below. Households which have timely reapplied, but due to CWD error are not determined eligible in sufficient time to provide for issuance on the household's normal issuance date for the following month, shall receive an immediate opportunity to participate upon being determined eligible, even if the CWD must provide an opportunity outside the normal issuance system.
- (a) Households that were provided a notice of expiration at the time of certification and that have timely reapplied shall be notified of their eligibility or ineligibility and provided an opportunity to participate, if eligible, not later than 30 days after the date the household had an opportunity to obtain its last allotment.
 - (b) For those households that have filed an application by the 15th of the last month of their certification period, the CWD shall

approve or deny the application and notify the household on the DFA 377.1 of its determination by the end of the current certification period. In addition, for households determined eligible, the CWD shall provide an opportunity to participate by the household's normal issuance cycle in the month following receipt of the timely reapplication. Households which have timely reapplied, but due to CWD error are not determined eligible in sufficient time to provide for issuance in the household's normal issuance cycle for the following month, shall receive an immediate opportunity to participate upon being redetermined eligible.

.634 The following verification requirements shall apply at recertification:

- (a) The CWD shall verify a change in income, medical expenses, or actual utility expenses claimed by a household if the source has changed or the amount has changed by more than \$25 since the last time they were verified.
- (b) Unchanged information, or changes of \$25 or less in income, medical expenses or utility expenses shall not be verified at recertification, unless the information is questionable.
- (c) Newly obtained social security numbers shall be verified at recertification, in accordance with verification procedures outlined in Section 63-404.2.

.64 Additional General Requirements

.641 CWD Failure to Act

CWD failure to provide eligible households which filed a timely application for recertification with an opportunity to participate, in accordance with Sections 63-504.623 and .633, shall be considered an administrative error. These households shall be entitled to restoration of lost benefits if, as a result of such error, the household was unable to participate for the month following the expiration of the certification period.

.642 Failure to Submit a Timely Reapplication

Any household which fails without good cause to submit a timely application for recertification, or to appear for an interview scheduled after the household timely filed its monthly report and/or application for recertification, shall lose its right to uninterrupted benefits. Households which refuse to cooperate in providing required information shall be denied. Any untimely application for recertification shall be treated as an application for initial certification, except that the verification requirements specified in Sections 63-504.625 or .6354, shall apply. For applications received in the month following the expiration of the certification period, benefits shall be prorated as specified in Section 63-503.13.

.643 Good Cause for Failure to Timely Reapply

If the CWD determines that any household's failure to make timely application or to otherwise complete the certification process in a timely manner, was for good cause, the household shall be entitled to restoration of lost benefits if as a result of its failure, the household was unable to participate in the month following the expiration of its certification period. The determination of good cause shall be made on a case-by-case basis, and shall include, but not be limited to, failure to receive timely notice of expiration or personal illness.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR 272.1(g)(iii), 7 CFR 273.1(g)(iii), 7 CFR 273.10(f), 7 CFR 273.12(f)(3), 7 CFR 273.14 (a) thru (f), 7 CFR 273.21(b), 7 CFR 273.21(j), and 7 CFR 273.21(m) and (p).

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #184-6

84-0524-6

FILED
In the office of the Secretary of State
of the State of California

MAY 30 1984
At 5:10 o'clock P. M.
MARCH FONG EU, Secretary of State
By: *Cathleen Patrick*
Deputy Secretary of State

RECEIVED FOR FILING
MAY 24 3 58 PM '84
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
MAY 30 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: *Linda S. McMahon*
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Roy Howard, Regulations Analyst

TELEPHONE 916-445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: _____

SECTIONS ADOPTED

30-763.6 Manual of Policies and Procedures

SECTIONS REPEALED

Manual of Policies and Procedures Section 30-763.233(c)

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

N/A

b. DATE OF ADOPTION OF REGULATION(S)

May 23, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☒ Effective on Filing as required by statutes: (list) Government Code Section 11346

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 30-763.233(c) by deleting Item (c):

30-763 NEEDS ASSESSMENT PROCESS (Continued)

30-763

•2 Determination of the total need for IHSS services (Continued)

•23 Shared Living Arrangements (Continued)

•233 (Continued)

(c) For service authorization purposes, no need for protective supervision exists when a housemate is in the home unless the housemate who is present falls within one or more of the categories specified in •235(b)(1) through (3) below, or if the housemate is the landlord of tenant of the recipient or if the housemate is a parent under the circumstances specified in •244 below.

Authority: Welfare and Institutions Code Section 10553.

Reference: Miller v. Woods and Community Service Center for the Disabled v. Woods.

Adopt Section 30-763.6 to read:

30-763 NEEDS ASSESSMENT PROCESS

30-763

.6 Miller vs. Woods and Community Service Center For the Disabled vs. Woods.

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.61 Background

On October 21, 1983 the Court of Appeal, Fourth Appellate District, issued a decision in the consolidated case of Miller vs. Woods and Community Service Center For the Disabled vs. Woods. The court declared invalid MPP 30-463.233c (now 30-763.233c) which provided that no need for protective supervision may be assessed when a housemate is in the home.

.62 Case Review Procedures

.621 The county shall identify no later than June 30, 1984 all open IHSS cases with recipients living with a housemate where a need for protective supervision as defined in 30-757.17 may exist.

.622 The county shall determine through recipient contact whether a need for protective supervision exists unless the case record provides conclusive evidence which indicates that no need exists.

.63 Authorization and Notification

.631 The county shall complete a new Needs Assessment form to authorize protective supervision. The authorization shall be effective as of May 1, 1984.

.632 The county shall send a Notice of Action to all affected recipients which shall state: "Hours for protective supervision are authorized based on the Miller vs. Woods and Community Service Center For the Disabled vs. Woods court action."

.64 Recordkeeping

.641 The county shall maintain a listing of those recipients who were previously not authorized to receive protective supervision because of the presence of a housemate.

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.642 DSS will provide each county with a computer generated listing which identifies any recipient whose address matches the address of an Individual Provider. The listing should be used as an aid and cross-check in the case review process; the listing is not a substitute for the case review.

.643 For those recipients with an Individual Provider the listing in .641 above will be generated through use of a special reason code indicating increased hours due to the Miller vs. Woods court decision.

Authority: Welfare and Institutions Code Section 10553.

Reference: Miller vs. Woods and Community Service Center For the Disabled v. Woods.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD 183-2A

840430-5
FILED

In the office of the Secretary of State
of the State of California

MAY 3 1 1984

At 4:01 o'clock P.M.

MARCH FONG EU, Secretary of State

By Maryjane Hershberger
Deputy Secretary of State

RECEIVED FOR FILING

APR 30 2 04 PM '84

ENDORSED

APPROVED

MAY 3 1 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY:

Linda S. McKeehan
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Roy Howard, Regulations Analyst

TELEPHONE

445-1422

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 63-605.1, .2, and .3.

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No ☒ Yes, if yes give date of previous filing December 7, 1983 and March 23, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER

April 1, 1983

b. DATE OF ADOPTION OF REGULATION(S)

March 22, 1984

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOV. CODE SEC. 11346.8(c))

March 1 through 21, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☒ Effective on July 1, 1984 (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

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- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Sections 63-605.1, .2, and .3 to read:

63-605 COUPON/ATP REPLACEMENTS

63-605

.1 General Replacement Provisions

- .13 Number of Replacements Allowed. Total replacements during a six-month period shall not exceed four except as specified in Section 63-605.132 and .133.

- .131 Limitations on the number for each type of replacement within a six-month period are:

Amendment
Withdrawn

~~(a) One replacement for all ATP stolen after receipt.~~

- (b) One replacement for either an ATPs or coupons destroyed during a household disaster. The value of the replacement of an ATP or coupons shall be for the amount declared on the DFA 303, not to exceed the applicable month's food stamp allotment, excluding any prior month's benefits.

- (c) Two replacements for mail losses of either an ATPs or coupons lost in the mail (two ATPs or two coupon allotments or one ATP and one coupon allotment).

- .132 Replacement of food destroyed in a disaster shall meet the same replacement guidelines as ATPs or coupons destroyed except there are no limits to the number of times food destroyed can be replaced in a six-month period, nor does the period of intended use apply.

Amendment
Withdrawn

~~.133 Errors by the issuance unit and or mutilated coupons or ATPs are exempt from being reported on the DFA 303 and shall not be counted as one of the replacements allowed within six-month period.~~

- .134 A credit shall be given to a household when an original ATP or coupons (which have been replaced) are returned to the CWO, and this credit shall reduce the total number of replacements made in that six-month period.

- 14 Period of Intended Use. The period of intended use begins with the issuance date and ends with:
 - 141 The last day of the month of issuance for coupons issued on or before the 25th of the month.
 - 142 The last day of the month following the month of issuance for coupons issued after the 25th of the month.
 - 143 The expiration date of the ATP.
 - 144 The appropriate date as specified in Sections 63-605.141, .142 or .143 above for the restoration of benefits.
- 2 Household Reporting Responsibilities. For the purpose of this section reporting shall mean contacting the CWD in person, by mail, or by telephone. To be eligible for a replacement the head of household member or its authorized representative shall:
 - 21 Report ATPs lost in the mail during their period of intended use ~~(as specified in Section 63-605.143)~~.
 - 22 Report coupons lost in the mail during their period of intended use ~~(as specified in Section 63-605.141 or .142)~~.
 - 23 Report ATP's stolen or destroyed within 10 days of the incident or within the period of intended use, whichever is earlier ~~(as specified in Sections 63-605.114 or 63-605.115 respectively)~~.
 - 24 Report food destroyed in a disaster within 10 days of the incident ~~(as specified in Section 63-605.119)~~.
 - 25 Report food coupons destroyed in a disaster within ten 10 days of the incident or within their period of intended use, whichever is earlier ~~(as specified in Section 63-605.112)~~.

Amendment
Withdrawn

~~•26 Prior to actual replacement the head of household or its authorized representative shall complete and sign a DFA 303 stating that the original ATP or coupons will be returned to the CWD if recovered by the household and that the household is aware of the penalties for intentional misrepresentation of the facts, except when replacements are made under Section 63-605.133. However, if the participant is unable to come into the office because of age, handicap, or distance from the office and is unable~~

~~to appoint an authorized representative, the DFA 303 may be completed by mail when so requested by the household.~~

.3 CWD Responsibilities

.31 Destruction Replacement Procedures. For replacement of an ATP, food coupons or value of food destroyed, the CWD shall:

.311 Review records to insure that the ATP or coupons were validly issued, and ensure the replacement request report has been made in accordance with Sections 63-605.21, .22, .23, or .24 or .25.

.312 Complete a DFA 303, except when being replaced under Section 63-605.133.

.313 ~~Obtain and verify the signature of the head of household member or the authorized representative on the DFA 303.~~

~~(a) The DFA 303 may be mailed to all households, however it shall be mailed when requested, if the participant is unable to come into the office because of age, handicap, or distance from the office and is unable to appoint an authorized representative. However, the use of a mail system shall not preclude the recipient from making in-office transactions.~~

(b) If the CWD elects that the DFA 303 be returned by mail replacement is to be mailed, the original DFA 303 shall be enclosed with a stamped self-addressed envelope for returning the original after it is signed by the household.

(b) A copy of this form shall be retained by the CWD pending the return of the original. A system of follow-up controls shall be established to insure that the original is returned.

~~(c) Verifications of signature shall be through the signature within the case file or the food stamp ID card when the transaction takes place in the office.~~

Amendment
Withdrawn

Withdrawn

- 3154 Examine the casefile for previous replacement requests by the household, in accordance with Sections 63-605.11, .13 and .131.
- 315 Complete the additional procedures in Section 63-605.33, .34 and .35 as appropriate for the type of replacement request.
- 316 Authorize and issue, or deny a replacement ATP or coupons, as specified in Section 63-605.11, .13 and .131, no longer than 10 days after the report of the loss signed DFA 303 has been received.
- 317 If the replacement is denied, provide the household with Notice of Action (DFA 377.1) within 10 days after the report of the loss signed DFA 303 has been received.
- 318 Retain the completed DFA 303 in the casefile.
- 32 Mail Loss Procedures. The CWD shall take the additional following actions when a household reports the nondelivery of ATPs, coupons, or the delivery of a partial allotment issued through the mail:
 - 321 Review the mail issuance log (DFA 300) to verify that the item was actually mailed and for possible return of the undelivered item, and determine that sufficient time, not to exceed 5 days, has elapsed for the item to have been received by the household.
 - 322 Attempt to determine the cause of each nondelivery by consultation with postal authorities.
 - 323 Determine the value of the coupons not delivered when a delivery of a partial allotment is reported, and verify the proof of receipt of a partial allotment by:
 - (a) Evidence that the coupon loss was due to damage in the mail before delivery or,
 - (b) A discrepancy in the issuance unit's inventory. Any overage or shortage by book type in the inventory denotes that some kind of issuance error has occurred. Therefore, any replacement request in that denomination shall be honored and documented as an issuance error.

- 324 Record the report of nondelivery and date of replacement, if replaced, on the DFA 300 and take other corrective action warranted by the reported nondelivery, or partial delivery.
- 325 Report Mail Losses to the United States Postal Services (USPS) as follows:
 - (a) Report all mail issuance losses to USPS on at least a monthly basis. Also report all patterns of mail losses, such as, a large number of coupons reported lost in the mail in a particular area. Consult with the postal officials to develop plans and take appropriate corrective action to reduce mail losses or develop alternate means of delivery.
 - (b) On at least a monthly basis, provide a list of ATPs reported as lost in the mail to the appropriate Postal Inspection Service (PIS). Assist the PIS during the investigation. Upon request, supply the PIS with a facsimile of the original ATP, if transacted, and the replacement ATP and a copy of the DFA 303. Advise the PIS if the original ATP is not transacted.
- 326 Place the household in an over-the-counter issuance system whereby both ATPs and coupons are picked up by the household alternate issuance system when there are two reports of nondelivery by the same household of either full or partial allotments and/or original or replacement ATPs in a six-month period.
 - (a) The household may be placed in an alternate issuance system prior to two replacements if circumstances exist that indicate that the household may not receive their benefits through the normal issuance system.
 - (b) The household may be returned to the regular issuance system no sooner than six months after the first replacement if the circumstances leading to the loss have changed and the risk of loss has lessened.
- 327 Report the value of coupon mail issuance replacements on the Food Coupon Accountability Records Report (FNS 250).

- 328 Return to inventory the original coupon allotments subsequently recovered by the issuance office unit during the current month and note on the mail issuance log, thereby eliminating the inventory shortage created by the replacement issue. In this case, the replacement issuance for allotments received during the current month shall not be reported on the Form FNS 250. The office CWD shall notify the post office of the return of the coupon allotments previously reported as lost in the mail.
- 33 Destruction Verification. The CWD shall take the following additional action upon receiving a request for replacement of ATPs, coupons, or food reported as destroyed in an individual household disaster:
 - 331 Verify the disaster through either a collateral contact, documentation from a community agency including, but not limited to, the Fire Department, or the Red Cross, or a home visit;
- 34 ATPs. Upon receiving a request for Prior to the replacement of ATPs destroyed, stolen after receipt or lost in the mail, the CWD shall take action to determine, to the maximum extent practicable, the legitimacy of the request for replacement of the destroyed, lost or stolen ATP, through such means as determining whether the original ATP has been transacted, and if so, whether the signature on the original ATP matches that on the replacement.
- 35 Denial of Replacements. In addition to Section 63-605.12, the CWD shall deny a replacement if:
 - 351 The loss is not reported within the appropriate time frame (as specified in Section 63-605.2).
 - 352 Replacement request for mail loss after two replacements for mail loss have been issued within the most recent six-month period which includes the current month.
 - 353 A Replacement request for a destroyed ATP or coupons is made after one replacement of a destroyed ATP or coupons has already been issued within the most recent six-month period which includes the current month.
 - 354 A replacement request for a stolen ATP is made after one replacement for a theft of an ATP has already

been issued within the most recent six-month period which includes the the current month.

- 355 Documentation exists indicating the likelihood of fraud; such as a match between the signature in the original ATP that had been transacted and the signature on the replacement request, or the issuance agent unit has noted the recipient's correct food stamp identification number on an original ATP that has been transacted, unless the household reported its ID stolen.
- 356 Food is destroyed because of mechanical breakdown.
- 357 Verification of the destruction of an ATP, coupons or food reveals that the item(s) were destroyed in a situation other than a household disaster as defined in Section 63-102.
- ~~•358 Verification of the signature on the DFA 303 does not match the Food Stamp ID Card or signature within the case file.~~

Withdrawn

Authority: Welfare and Institutions Code Section 18904.

Reference: Welfare and Institutions Code Section 18904 and 7 CFR Section 273.11(i), 274.2(e), 274.2(h), and 274.3(c).

RECEIVED FOR FILING

JUN 1 1984

Office of Administrative Law

ENDORSED
APPROVED FOR FILING
JUN - 1 1984
Office of Administrative Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #484-20

840601-2
FILED

In the office of the Secretary of State
of the State of California

JUN 1 - 1984
At 4:32 o'clock P.M.
MARCH FONG EU, Secretary of State

By Maryanne Hershberger
Deputy Secretary of State

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Dion Webb

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: _____

SECTIONS ADOPTED

MPP 50-012

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF ADOPTION OF REGULATION(S)

June 1, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on June 1, 1984 (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Adopt new Section 50-012 to read:

50-012 WILLIAMS V. WOODS

50-012

.1 Background

On March 9, 1984 a Peremptory Writ of Mandate was filed in San Francisco Superior Court in the Williams v. Woods class action lawsuit. The writ orders SDSS to cease enforcement of Manual of Policy and Procedures (MPP) Sections 44-113.3, 44-115.72, 44-115.81, 44-133.1, and 44-205.231 to the extent that these regulations conclusively presume either that in-kind income and OASDI benefits for the minor parent are separate resources independently available to the minor parent or that OASDI benefits for the minor parent are available to the Assistance Unit (including the minor parent and child) when the minor parent lives with a nonneedy parent who is the representative payee for the OASDI. Therefore, the Writ does not apply to minor parents who do not receive OASDI benefits or to minor parents who live with needy parents or those who do not live with a parent.

The period for retroactive benefits is November 12, 1978 through May 31, 1984. The writ requires that, within 100 days of its filing, the members of the class be notified of potential eligibility for retroactive benefits, to be accomplished by a mailing to current AFDC recipients and posters in specified locations.

The following provisions describe the procedures by which retroactive aid will be claimed and eligibility for benefits determined.

.2 Informing potentially eligible persons of the availability of retroactive benefits.

.21 In order to notify the class of potentially eligible persons, SDSS shall:

.211 Develop and provide CWDs camera-ready copies of the combined notice/claim form in English and Spanish. This form will notify potential claimants of the terms of the Williams judgment and how to apply for retroactive benefits.

.212 Develop and issue posters in English and Spanish which will inform potential claimants of the Williams judgment and how to apply for retroactive benefits.

- (a) These posters shall be provided to all county welfare offices and to all Social Security Administration (SSA) offices.

.22 In order to notify the class of potentially eligible persons, the County Welfare Department (CWD) shall:

- .221 Print and mail the informing notice/claim form provided by the Department to all current AFDC recipients by June 1, 1984 with the CA 7s for May 1984, with the June 1, 1984 warrants, or by separate mailing. Spanish versions of the form shall be mailed to recipients that receive Spanish CA 7s.
- .222 Post English and Spanish informing posters supplied by SDSS in lobbies and waiting rooms of all county welfare offices from June 1, 1984 through August 31, 1984.
- .223 Forward a supply of the English and Spanish informing posters supplied by SDSS to all food stamp issuance outlets within the county with a request that the posters be displayed in lobbies and waiting rooms from June 1, 1984 through August 31, 1984.
- .224 Give or mail a Williams notice/claim form to anyone who requests one.

.3 Application for retroactive payment and claims processing.

.31 Claimant Responsibility

- .311 The claimant shall complete the claim form, sign it under penalty of perjury, and send or take it to the CWD(s) from which the claimant received aid or was denied or discontinued from aid during the months for which retroactive aid is being claimed. It shall be the claimant's responsibility to ensure the claim form is submitted to the appropriate county.
- .312 The claimant shall complete and send a separate claim form to each CWD from which the claimant wishes to claim retroactive benefits.
- .313 The claimant shall submit (or resubmit in the case of a previously denied claim) claim forms to the appropriate county (see .311 above) on or before August 31, 1984 except as specified in .325(c).

.314 Claimants shall complete a Supplemental Claim Form when requested to do so by the CWD and shall return it to that CWD as soon as possible, but no later than 30 calendar days from the date of the CWD's request.

.315 The claimant shall cooperate in obtaining all information/verification necessary to process the claim in accordance with MPP Section 40-157. Failure to provide the needed information/verification in accordance with time frames specified in .323 and .324 below shall result in denial of those months of the claim for which the information/verification is needed. See .47 below.

.32 County Responsibility

.321 The CWD shall stamp each claim with the date the claim was received by the CWD and the name of the county of receipt.

.322 If a CWD receives a claim form for a month in which it appears the claimant lived in another county:

(a) The CWD shall forward the form to the appropriate CWD, if known, and notify the claimant with the Notice of Action (NOA) specified by SDSS, or;

(b) If the CWD is not able to determine the appropriate CWD, the CWD shall return the form to the claimant with an NOA specified by SDSS denying the claim.

.323 Within 30 calendar days of receipt of a claim by the appropriate CWD, the CWD shall determine if a case record exists. If the claimant meets the conditions specified in .41 below and no case record exists or the information it contains is insufficient to process the claim, the CWD shall send the claimant a Supplemental Claim Form and NOA explaining that this form must be completed and returned within 30 calendar days of the date of the notice.

.324 If additional information/verification is needed, the CWD must provide the claimant with the appropriate notice requesting the additional information/verification. The CWD must allow the claimant a reasonable time for response in relation to the information being requested, but in no case

less than 10 calendar days from the date of the notice.

.325 Claim forms shall be submitted on or before August 31, 1984, except as specified below.

(a) The date submitted shall be determined as follows:

(1) The date the claim was stamped "received" by the appropriate CWD, or;

(2) If the date in (1) above is after August 31, 1984, the postmark date of the envelope, or;

(3) If the date cannot be determined by (1) or (2) above, the date the claim was signed.

(b) Claims submitted after the final filing date which have been date stamped by another county in accordance with .321 above shall be deemed submitted on the earliest date stamped on the claim provided that the following conditions are met:

(1) The claim was either forwarded by another CWD or was resubmitted by the claimant within 15 calendar days after the date of the NOA specified in .322(b) above; and

(2) The claim is resubmitted with that NOA attached.

(c) If the claimant was a current AFDC recipient as of June 1, 1984 and did not receive the notice/claim form by June 1, 1984, the August 31, 1984 deadline shall be extended by a corresponding number of days to allow a full three-month application period. If verification of the date of receipt is not available, the claimant's sworn statement explaining the circumstances causing late receipt shall be sufficient.

.326 Claims submitted after the date specified in .325 above shall be denied.

.327 The CWD shall determine eligibility and issue retroactive aid to eligible claimants or deny the

claim, as appropriate, within either 60 calendar days of receipt of the notice/claim form or within 60 calendar days of receipt of a Supplemental Claim Form if the latter form is necessary. The CWD shall also send the appropriate NOA.

(a) Inability to complete the determination of eligibility within the 60-day period shall not be a basis for denying the claim unless the delay is caused by the refusal of the claimant to participate in the gathering of evidence in accordance with Section 40-157.

.328 The CWD shall submit to SDSS a statistical report on the form provided by SDSS as follows:

(a) The report shall be submitted on or before December 12, 1984 and shall contain:

- (1) The number of Williams claims received;
- (2) The number of Williams claims denied;
- (3) The number of Williams claims granted in full or in part;
- (4) The total retroactive dollars paid to Williams claimants; and,
- (5) The number of Williams claims pending disposition on November 30, 1984.

(b) Those CWDs that have pending claims on the report specified in (a) above shall submit a second report to SDSS on or before January 7, 1985 which shall contain for those pending claims:

- (1) The number of pending Williams claims denied;
- (2) The number of pending Williams claims granted in full or in part; and
- (3) The total retroactive dollars paid to the pending Williams claimants.

.4 Determination of Potential Eligibility for Retroactive Payments

- .41 Persons potentially eligible for retroactive benefits are those persons who met all of the following conditions during any month between November 12, 1978 and May 31, 1984:
- .411 Parents under age 18 (minor parents) and/or their child(ren) who lived together and who were applicants for or recipients of AFDC; and
 - .412 Lived with the nonneedy parent(s) of the minor parent; and
 - .413 The nonneedy parent of the minor parent was the representative payee for OASDI benefits received on behalf of the minor parent; and
 - .414 The minor parent and child(ren) were otherwise eligible for AFDC and the AFDC grant was reduced or terminated or the AFDC application was denied due to income considered available to the assistance unit; and
 - .415 The amount of OASDI considered in determining AFDC eligibility for the minor parent and child(ren) was greater than the amount of the OASDI benefit that was actually made available, in cash, to the minor parent.
- .42 If retroactive benefits are being claimed for a period of time for which aid was denied or discontinued, the assistance unit must have met the following conditions of AFDC eligibility in effect during the period for which retroactive aid is being claimed as determined by information provided on and with the Supplemental Claim Form:
- .421 Basis of deprivation: for AFDC-Family Group (FG) as specified in MPP Chapter 41-400; for AFDC-Unemployed (U) as specified in MPP Section 41-440.1;
 - .422 Age of the child(ren) as specified in MPP Section 42-101;
 - .423 Income eligibility of the assistance unit as specified in .45 below;
 - .424 Resource limits of the assistance unit as specified in MPP Chapter 42-200;

.425 Residence and citizenship of the assistance unit as specified in MPP Chapter 42-400;

.43 Verification of the factors contained in .41 is required for all claimants; and, in addition, verification of the eligibility factors contained in .42 is required for those claimants who were denied or discontinued from AFDC during the claim months unless the verification is not reasonably available. If verification is not reasonably available, the CWD shall act in accordance with .436 below.

.431 Verification of receipt of AFDC includes the following:

(a) Proof of receipt of AFDC for persons claiming retroactive benefits shall be obtained from the case record if it is available.

(b) If the case record is unavailable, sources of verification which the claimant may provide include, but are not limited to:

(1) A copy of an NOA or a state hearing decision indicating the claimant was an AFDC recipient during the month(s) aid is being claimed.

(2) Copies of any other documents indicating the claimant's welfare status during the month(s) aid is being claimed.

.432 Verification of denial of or discontinuance from AFDC for excess income shall be obtained from the case record if it is available. If the case record is unavailable, verification which the claimant may provide includes, but is not limited to, the NOA sent the claimant.

.433 Verification supporting .42 above includes the verification requirements contained in each MPP Section specified under .42.

.434 If there is no case record available or the information in the case record is incomplete, the CWD shall request from the local office of the SSA the following information using Form SSA-1610-U2 unless the claimant chooses to provide verification of (a) and (b) below.

(a) The time period and amount of OASDI benefits the minor parent received and the payee for the benefits.

(b) The date of birth of the minor parent.

.435 Verification of the amount of OASDI benefits made available in cash to the minor parent shall be the statements (provided on the notice/claim form) of the minor parent and the parent that received the OASDI benefits for the minor parent. The statement shall be signed under penalty of perjury except as provided in (a) below.

(a) The sworn statement of the minor parent's parent(s) shall not be required if the senior parent(s):

(1) is deceased, or;

(2) is incapacitated to such an extent that (s)he is unable to provide a signature under penalty of perjury, or;

(3) is unable to be located, or;

(4) is no longer living in the United States, or;

(5) refuses to sign the notice/claim form, or;

(6) if other exceptional circumstances would prevent obtaining the senior parent(s) statement under penalty of perjury.

.436 If the verification specified in .431 through .435 is not reasonably available, the claimant must provide the reasons(s) on the claim form(s). If the reason(s) are acceptable as specified in .435(a) and .436(a), the claimant's sworn statement as provided on the notice/claim form and/or Supplemental Claim Form shall be accepted.

(a) Acceptable reasons for the unavailability of verification other than that required in .435 above include, but are not limited to:

(1) The destruction or loss of records.

(2) Inability on the part of the claimant to locate the third party in order to supply the verification.

(3) The refusal or inability on the part of the third party to supply the verification.

(4) Other circumstances beyond the control of the claimant.

(b) If verification is not provided and the CWD determines it is reasonably available under .435(a) and .436(a), the CWD shall request the verification in accordance with .47 below. The CWD shall provide assistance in obtaining verification as specified in .47. The CWD may make any third-party contacts it determines to be necessary. A consent form shall be used for this purpose in accordance with MPP Section 40-157.22.

.437 Discrepancies arising as a result of a third-party contact shall be resolved in accordance with MPP Section 40-157.

.44 The size of the Assistance Unit shall be based on the number of persons who would have been included in the Assistance Unit specified in MPP Section 44-205 for the period claimed.

.441 If retroactive aid is being claimed for a period of time that aid was denied or discontinued and retroactive aid is claimed for a person not entitled to be included in the Assistance Unit as specified in MPP Section 44-205 or who must be excluded as specified in MPP Section 44-206, that portion of the claim shall be denied.

.442 If retroactive aid is being claimed for a period of time that aid was denied or discontinued and retroactive aid is claimed for both the minor parent and the second parent who lived in the home and who may be included in the Assistance Unit, both shall sign the Supplemental Claim Form.

(a) If either the minor parent or the second parent fails to sign the claim form, the CWD shall request a signature in accordance with .47 below. If such signature is not provided, the

CWD shall not include that parent in the Assistance Unit and shall so notify the claimant on the NOA specified by SDSS.

•45 Income Eligibility

If retroactive aid is being claimed for a period of time that aid was denied or discontinued, the Assistance Unit is ineligible for any month that their income exceeded the income eligibility limits specified in 44-207 which were in effect during the period for which retroactive aid is being claimed.

•451 Income eligibility shall be determined for each month retroactive aid is claimed if the claimant provides information for each month. If information is not provided on a monthly basis, income eligibility shall be determined on an annual basis or portion thereof for the period claimed. The claimant shall have the option of providing income verification on a monthly or annual basis. (See example in 50-011.462 for method to compute income eligibility on an annual basis.)

•452 MBSAC levels from November 1978 through May 1984.

	<u>11/78</u> <u>to</u> <u>6/30/79</u>	<u>7/1/79</u> <u>to</u> <u>6/30/80</u>	<u>7/1/80</u> <u>to</u> <u>12/31/80</u>	<u>1/1/81</u> <u>to</u> <u>6/30/81</u>	<u>7/1/81</u> <u>to</u> <u>6/30/83</u>	<u>7/1/83</u> <u>to</u> <u>5/31/84</u>
<u>1 person</u>	<u>177</u>	<u>204</u>	<u>235</u>	<u>231</u>	<u>248</u>	<u>258</u>
<u>2 persons</u>	<u>297</u>	<u>342</u>	<u>395</u>	<u>386</u>	<u>408</u>	<u>424</u>
<u>3 persons</u>	<u>361</u>	<u>416</u>	<u>480</u>	<u>470</u>	<u>506</u>	<u>526</u>
<u>4 persons</u>	<u>444</u>	<u>511</u>	<u>591</u>	<u>577</u>	<u>601</u>	<u>625</u>
<u>5 persons</u>	<u>513</u>	<u>590</u>	<u>682</u>	<u>667</u>	<u>686</u>	<u>713</u>

•453 150 percent of MBSAC from December 1, 1981 through May 31, 1984.

	<u>12/1/81</u> <u>to</u> <u>6/30/83</u>	<u>7/1/83</u> <u>to</u> <u>5/31/84</u>
<u>1 person</u>	<u>372</u>	<u>387</u>
<u>2 persons</u>	<u>612</u>	<u>636</u>
<u>3 persons</u>	<u>759</u>	<u>789</u>
<u>4 persons</u>	<u>902</u>	<u>933</u>
<u>5 persons</u>	<u>1029</u>	<u>1070</u>

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- .46 If retroactive aid is being claimed for a period of time for which AFDC was denied or for which AFDC was discontinued, the CWD shall establish that the minor parent's parent(s) (the senior parent(s)) was nonneedy. To determine neediness of the senior parent(s), the CWD shall compare the MBSAC amount for the number of persons to be supported by the senior parent(s) to the senior parent's net nonexempt income, except as specified in .461 below. This calculation shall include only the income of the senior parent(s). The income of the minor parent or other dependents shall not be included. The calculation shall also not include the DASDI benefits received by the senior parent on behalf of the minor parent. If the income of the senior parent(s) exceeds the MBSAC amount, the senior parent(s) was nonneedy, and the minor parent is potentially eligible for retroactive benefits. If the income of the senior parent(s) does not exceed the MBSAC amount, the senior parent(s) was needy, and the minor parent is not an eligible class member and not eligible for retroactive benefits. For net nonexempt income calculations prior to December 1, 1981, see .533(a) below, and for net nonexempt income calculations following December 1, 1981, see .533(b) below:
- .461 If the minor parent is unable to provide information necessary to compute the neediness of the senior parent(s), the CWD shall accept the sworn statement of the senior parent(s) or minor parent certifying that the senior parent(s) had sufficient income to support the minor parent during the claim period to establish that the senior parent(s) was nonneedy.
- .47 The CWD shall request missing or incomplete information or verification it determines should be available when necessary to determine eligibility and benefit levels. Claims submitted on or before the date listed in .325 above shall be held open pending receipt of information requested by the county for the period of time specified in .324 above after the request for additional information is made. During this period, the CWD shall provide assistance as specified in (a) below and may make any third party contacts as specified in .436(b) above. Upon receipt of the requested information or at the end of this period, the county shall, based on the information available, determine eligibility and make retroactive payment or deny the claim in accordance with .315, .327, and .4 above, and .5 and .6 below.

.471 If the claimant requests assistance, the CWD shall in accordance with MPP Sections 40-107.1 and 40-157.2 assist the claimant as needed in establishing his/her eligibility.

.5 Determination of the Amount of Retroactive Payment

.51 The amount of retroactive payment shall be computed on a month-by-month basis if the claimant provides information for each month. If information is not provided on a monthly basis, the amount of retroactive payment shall be computed on an annual basis or portion thereof being claimed. The claimant shall have the option of providing information on a monthly or annual basis. (See examples in 50-011.512, .521, and .531 for the method of computation of retroactive payment on an annual basis.)

.52 Retroactive payments for claimants who received AFDC during the claim period (whether the case record is available or not) shall be computed as follows:

.521 For each month claimed that the Assistance Unit met the eligibility conditions in .41 above, determine the amount of OASDI benefits that was used in the original budget computation for the month claimed.

.522 From that amount, subtract the amount of OASDI benefits made available in cash to the minor parent (as specified on the notice/claim form) for the month claimed. The remainder is the amount of retroactive payment for that month. If the month claimed is November 1978, the monthly amount shall be prorated from the 12th of the month (the reciprocal is .6333) or from the application date, whichever is later, in accordance with the reciprocal table in MPP Section 44-315.53.

.53 Retroactive payments for claimants who were denied or discontinued from AFDC during the claim period shall be computed as follows:

.531 The county shall determine retroactive payment(s) for the month(s) claimed based on income and expenses from the corresponding budget month(s). Assistance Unit composition and other eligibility factors shall be based on the month(s) claimed.

.532 For each claim month that the Assistance Unit met the eligibility conditions in .41 and .42 above, determine the Maximum Aid Payment (MAP) for the Assistance Unit determined in .44 above.

(a) MAP levels from November 1, 1978 through May 31, 1984:

	<u>11/1/78</u> <u>to</u> <u>6/30/79</u>	<u>7/1/79</u> <u>to</u> <u>6/30/80</u>	<u>7/1/80</u> <u>to</u> <u>12/31/80</u>	<u>1/1/81</u> <u>to</u> <u>6/30/81</u>	<u>7/1/81</u> <u>to</u> <u>6/30/83</u>	<u>7/1/83</u> <u>to</u> <u>5/31/84</u>
<u>1 person</u>	<u>175</u>	<u>201</u>	<u>232</u>	<u>227</u>	<u>248</u>	<u>258</u>
<u>2 persons</u>	<u>287</u>	<u>331</u>	<u>382</u>	<u>374</u>	<u>408</u>	<u>424</u>
<u>3 persons</u>	<u>356</u>	<u>410</u>	<u>473</u>	<u>463</u>	<u>506</u>	<u>526</u>
<u>4 persons</u>	<u>423</u>	<u>487</u>	<u>563</u>	<u>550</u>	<u>601</u>	<u>625</u>
<u>5 persons</u>	<u>483</u>	<u>556</u>	<u>642</u>	<u>628</u>	<u>686</u>	<u>713</u>

.533 Calculate the net nonexempt income of the Assistance Unit.

(a) For income received from November 1, 1978 through November 30, 1981 calculate net nonexempt income as follows:

- (1) Determine the amount of gross earnings of the Assistance Unit for each month claimed.
- (2) Subtract \$30 from gross earnings.
- (3) From the remainder in (2) above, subtract 1/3 of the remainder.
- (4) From the remainder determined in (3) above, subtract the mandatory deductions and work-related expenses which the claimant has verified in accordance with .43 above.
 - (A) The allowable mandatory deductions are: local, state, and federal income tax; social security (FICA) and compulsory retirement; unemployment and state disability insurance contributions.
 - (B) The allowable work-related expenses are: child care expenses, and work-related costs incurred or paid by the claimant.

1) Types of allowable work-related costs include, but are not limited to: transportation costs, amount for gas; tires; oil; car payments; car insurance; license and registration fees; mechanical repairs; repairs or replacement, if directly related to safety; actual cost for riding with another person(s); and other work-related costs not supplied or reimbursed by the employer including, but not limited to, tools, uniforms, and special equipment necessary for employment.

(C) Proof supporting the mandatory deductions and work-related expenses includes those specified in MPP Section 44-113 in effect during the period for which retroactive aid is being claimed. If the verification is not reasonably available the claimant shall provide the reason(s) on the claim form and the CWO shall act in accordance with .436 above. Acceptable reasons for unavailability of verification are contained in .436 above.

(5) Add to the amount determined in (4), all unearned income received by the Assistance Unit during the claim month. The amount of OASDI benefits used for this calculation shall be that amount of such benefits made available in cash to the minor parent (as specified on the notice/claim form) for the month claimed. In-kind income shall be deducted in accordance with MPP Sections 44-115.72 and 44-115.8.

(A) In-Kind Income Values for 1 Person
from November 1, 1978 through May 31,
1984:

	<u>11/1/78</u> <u>to</u> <u>6/30/79</u>	<u>7/1/79</u> <u>to</u> <u>6/30/80</u>	<u>7/1/80</u> <u>to</u> <u>12/31/80</u>	<u>1/1/81</u> <u>to</u> <u>6/30/81</u>	<u>7/1/81</u> <u>to</u> <u>6/30/83</u>	<u>7/1/83</u> <u>to</u> <u>5/31/84</u>
<u>Housing</u>	<u>78</u>	<u>90</u>	<u>104</u>	<u>102</u>	<u>111</u>	<u>115</u>
<u>Utilities</u>	<u>17</u>	<u>20</u>	<u>23</u>	<u>23</u>	<u>25</u>	<u>26</u>
<u>including</u> <u>Telephone</u>						
<u>Food</u>	<u>43</u>	<u>50</u>	<u>58</u>	<u>57</u>	<u>62</u>	<u>64</u>
<u>Clothing</u>	<u>14</u>	<u>16</u>	<u>18</u>	<u>18</u>	<u>20</u>	<u>21</u>

(6) Subtract from the total determined in (5)
any court-ordered child or spousal support
payments paid by a member of the assistance
unit.

(7) The amount determined in (5) is the net
nonexempt income.

(b) For each month claimed for the period from
December 1, 1981 through May 31, 1984, calculate
net nonexempt income for the income received by
the Assistance Unit in accordance with MPP
Chapter 44-100. In accordance with the Turner
v. Woods court order, mandatory deductions
(federal, state, and local taxes, Social
Security taxes (FICA) and state disability
insurance) shall be subtracted from gross
earnings. The \$30 and 1/3 disregard shall only
be given for the appropriate number of months in
accordance with MPP Section 44-111.23. The
amount of OASDI benefits used for this
calculation shall be that amount of such
benefits made available in cash to the minor
parent (as specified on the notice/claim form)
for the month claimed. In-kind income shall be
deducted in accordance with MPP Sections 44-
115.72 and 44-115.8.

.534 Subtract the net nonexempt income determined in .533
above from the MAP determined in .532 above. The
remainder is the amount of the retroactive payment
for that month. If the month claimed is November
1978, the monthly amount shall be prorated from the

12th of the month (the reciprocal is .6333) or from the application date, whichever is later, in accordance with the reciprocal table in MPP Section 44-315.53.

.54 If the amount determined in .534 above is less than \$10 for any month from May 1982 through May 1984, the claimant is not eligible for a retroactive payment for that month.

.55 The total of the amounts determined in .522 and/or .534 above for all months claimed is the total retroactive payment.

.6 Delivery of the Retroactive Payment

.61 The payment shall be delivered within 10 calendar days of the date of authorization.

.62 The retroactive payment in .55 above shall be used to offset any collectable outstanding overpayment in accordance with MPP Section 44-351.3. Any amount in excess of the overpayment shall be paid to the claimant.

.63 The retroactive payment received by the claimant shall not be considered income or property for AFDC in the month of receipt or in the following month in accordance with MPP Section 42-213.2(h).

.64 Concurrent with the retroactive payment, the CWD shall send an NOA explaining to the claimant how the retroactive payment was computed and his/her right to request a state hearing.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554; Peremptory Writ of Mandate, Williams v. Woods, San Francisco County Superior Court No. 787 379.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #683-38
(Resubmission)

RECEIVED FOR FILING
MAY 4 9 49 AM '84

ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING
JUN - 5 1984

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: Linda S. McMahon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

84 05041
FILED
In the office of the Secretary of State
of the State of California

JUN 5 - 1984
At 12:10 o'clock P.M.
MARCH FONG EU, Secretary of State
By Marjorie Hershberger
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Janet Lombard, Regulations Analyst

TELEPHONE
323-1899

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED
Title: 80031, 80040(a), 87031, 87040(a), 88016
SECTIONS ADOPTED
80041(e), 87041(f)
SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
Other Regulatory Actions:
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☐ No ☒ Yes, if yes give date of previous filing January 9, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

September 2, 1983

b. DATE OF ADOPTION OF REGULATION(S)

May 1, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

3/30 - 4/13/84

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on _____ as required by statutes: (list) _____
c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
☐ Request Attached
d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

[CHAPTER 1, GENERAL REQUIREMENTS]

Amend Section 80031 to read:

80031 ISSUANCE OF LICENSE

80031

- (a) The licensing agency shall issue a license to an applicant after a completed application has been compiled and upon determination that all licensing requirements have been met.
- (b) The licensing agency shall notify the applicant in writing of the issuance of the license.
- (c) No limitation shall be imposed on the licensee or printed on the license solely on the basis that a licensee is a parent who has administered or will continue to administer corporal punishment, not constituting child abuse as defined in Section 11165, subdivision (g) of the Penal Code, or Section 1531.5(c) of the Health and Safety Code, on his/her own child(ren).

(1) Whenever possible, the licensee shall not use corporal punishment on his/her own children in the presence of the child(ren) in placement.

HANDBOOK

Authority: Health and Safety Code Section 1530.

Reference: Health and Safety Code Sections 1520, 1525, 1526, 1528, and 1531.5.

Amend Section 80040(a) to read:

80040 DENIAL OF INITIAL LICENSE

80040

(a) Except as specified in Section 80030, which provides for issuance of a provisional license based upon substantial compliance and urgent need, the licensing agency shall deny an application for an initial license if it is determined that the applicant is not in compliance with applicable law and regulation.

(1) An application for initial licensure shall not be denied solely on the basis that the applicant is a parent who has administered or will continue to administer corporal punishment, not constituting child abuse as defined in Section 11165, subdivision (g) of the Penal Code, or Section 1531.5(c) of the Health and Safety Code, on his/her own child(ren).

(A) Section 11165, subdivision (g) of the Penal Code states:

Child abuse means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care.

(B) Section 273(a) of the Penal Code states:

Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for 2, 3 or 4 years.

Any person who, under circumstances or conditions other than those likely to produce great bodily harm

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or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

(C) Section 273(d) of the Penal Code states:

Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 3, or 4 years, or in the county jail for not more than one year.

(D) Section 1531.5(c) of the Health and Safety Code states:

Child abuse means a situation in which a child suffers from any one or more of the following:

1. Serious physical injury inflicted upon the child by other than accidental means.
2. Harm by reason of intentional neglect or malnutrition or sexual abuse.
3. Going without necessary and basic physical care.
4. Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services.
5. Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development, or capacity for independence.

Authority: Health and Safety Code Section 1530.

Reference: Health and Safety Code Sections 1520, 1525, 1526, and 1528.

[CHAPTER 1, GENERAL REQUIREMENTS]

Adopt new Section 80041(e) to read:

80041 DENIAL OF A RENEWAL LICENSE (Continued)

80041

(e) An application for renewal licensure shall not be denied solely on the basis that the licensee is a parent who has administered or will continue to administer corporal punishment not constituting child abuse as defined in Section 11165, subdivision (g) of the Penal Code, or Section 1531.5(c) of the Health and Safety Code, on his/her own child(ren).

(1) Section 11165, subdivision (g) of the Penal Code states:

Child abuse means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care.

(2) Section 273(a) of the Penal Code states:

Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for 2, 3 or 4 years.

Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

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HANDBOOK

(3) Section 273(d) of the Penal Code states:

Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 3, or 4 years, or in the county jail for not more than one year.

(D) Section 1531.5(c) of the Health and Safety Code states:

Child abuse means a situation in which a child suffers from any one or more of the following:

1. Serious physical injury inflicted upon the child by other than accidental means.
2. Harm by reason of intentional neglect or malnutrition or sexual abuse.
3. Going without necessary and basic physical care.
4. Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services.
5. Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development, or capacity for independence.

Authority: Health and Safety Code Section 1530.

Reference: Health and Safety Code Sections 1520, 1524, 1525, 1526, and 1528.

[CHAPTER 7.5, FOSTER FAMILY HOMES]

Amend Section 87031 to read:

87031 ISSUANCE OF LICENSE

87031

- (a) The licensing agency shall issue a license to an applicant after a completed application has been compiled and upon determination that all licensing requirements have been met.
- (b) The licensing agency shall notify the applicant in writing of the issuance of such license.
- (c) No limitation shall be imposed on the licensee or printed on the license solely on the basis that the licensee is a parent who has administered or will continue to administer corporal punishment, not constituting child abuse as defined in Section 11165, subdivision (g) of the Penal Code, or Section 1531.5(c) of the Health and Safety Code, on his/her own child(ren).

(1) Whenever possible, the licensee shall not use corporal punishment on his/her own children in the presence of the child(ren) in placement.

HANDBOOK

Authority: Health and Safety Code Sections 1530 and 1530.5.

Reference: Health and Safety Code Sections 1520, 1524, 1525, 1526, and 1531.5.

Amend Section 87040(a) to read:

87040 DENIAL OF INITIAL LICENSE

87040

- (a) Except as specified in Section 87030, which provides for issuance of a provisional license, the licensing agency shall deny an application for an initial license if it is determined that the applicant is not in compliance with applicable law and regulation.

(1) An application for initial licensure shall not be denied solely on the basis that the applicant is a parent who has administered or will continue to administer corporal punishment, not constituting child abuse as defined in Section 11165, subdivision (g) of the Penal Code, or Section 1531.5(c) of the Health and Safety Code, on his/her own child(ren).

- (A) Section 11165, subdivision (g) of the Penal Code states:

Child abuse means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care.

- (B) Section 273(a) of the Penal Code states:

Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for 2, 3 or 4 years.

Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to

HANDBOOK

HANDBOOK

suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

(C) Section 273(d) of the Penal Code states:

Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 3, or 4 years, or in the county jail for not more than one year.

(D) Section 1531.5(c) of the Health and Safety Code states:

Child abuse means a situation in which a child suffers from any one or more of the following:

1. Serious physical injury inflicted upon the child by other than accidental means.
2. Harm by reason of intentional neglect or malnutrition or sexual abuse.
3. Going without necessary and basic physical care.
4. Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services.
5. Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development, or capacity for independence.

Authority: Health and Safety Code Sections 1530 and 1530.5.

Reference: Health and Safety Code Sections 1520, 1524, 1525, 1526, and 1531.5.

[CHAPTER 7.5, FOSTER FAMILY HOMES]

Adopt new Section 87041(f) to read:

87041 DENIAL OF A RENEWAL LICENSE (Continued)

87041

(f) An application for renewal licensure shall not be denied solely on the basis that the licensee is a parent who has administered or will continue to administer corporal punishment not constituting child abuse as defined in Section 11165 subdivision (g) of the Penal Code, or Section 1531.5(c) of the Health and Safety Code, on his/her own child(ren).

(1) Section 11165, subdivision (g) of the Penal Code states:

Child abuse means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care.

(2) Section 273(a) of the Penal Code states:

Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for 2, 3 or 4 years.

Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

(3) Section 273(d) of the Penal Code states:

Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 3, or 4 years, or in the county jail for not more than one year.

(D) Section 1531.5(c) of the Health and Safety Code states:

Child abuse means a situation in which a child suffers from any one or more of the following:

1. Serious physical injury inflicted upon the child by other than accidental means.
2. Harm by reason of intentional neglect or malnutrition or sexual abuse.
3. Going without necessary and basic physical care.
4. Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services.
5. Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development, or capacity for independence.

Authority: Health and Safety Code Sections 1530 and 1530.5.

Reference: Health and Safety Code Sections 1520, 1524, 1525, 1526, and 1531.5.

[CHAPTER 8.5, FAMILY DAY CARE HOMES FOR CHILDREN]

Amend Section 88016 to read:

88016 DENIAL OF A LICENSE

88016

- (a) When the requirements for licensure are not met, the Department shall deny the application within 30 days after receipt of a completed application.
- (b) If the application is denied, Health and Safety Code Section 1526 shall apply.

Health and Safety Code Section 1526 states, generally:

Immediately upon the denial of any application for a license, the Department shall notify the applicant in writing. Within 15 days after the department mails the notice, the applicant may present his written petition for a hearing to the department. Upon receipt by the department of the petition in proper form, the petition shall be set for hearing. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department has all the powers granted therein.

- (c) An application for initial or renewal licensure shall not be denied solely on the basis that the applicant is a parent who has administered or will continue to administer corporal punishment, not constituting child abuse as defined in Section 11165, subdivision (g) of the Penal Code, or Section 1531.5(c) of the Health and Safety Code, on his/her own child(ren).

(1) Section 11165, subdivision (g) of the Penal Code states:

Child abuse means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unjustifiable punishment of a child) or 273d (corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care.

(2) Section 273(a) of the Penal Code states:

Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for 2, 3 or 4 years.

Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

(3) Section 273(d) of the Penal Code states:

Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 3, or 4 years, or in the county jail for not more than one year.

(4) Section 1531.5(c) of the Health and Safety Code states:

Child abuse means a situation in which a child suffers from any one or more of the following:

- (A) Serious physical injury inflicted upon the child by other than accidental means.
- (B) Harm by reason of intentional neglect or malnutrition or sexual abuse.
- (C) Going without necessary and basic physical care.
- (D) Willful mental injury, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Director of Social Services.

(E) Any condition which results in the violation of the rights or physical, mental, or moral welfare of a child or jeopardizes the child's present or future health, opportunity for normal development, or capacity for independence.

(d) No limitation shall be imposed on the licensee or printed on the license solely on the basis of a written or oral admission by the licensee to the use of corporal punishment, not constituting child abuse as defined in Section 11165, subdivision (q) of the Penal Code, or Section 1531.5(c) of the Health and Safety Code on his/her own child(ren).

(1) Whenever possible, the licensee shall not use corporal punishment on his/her own children in the presence of the child(ren) in placement.

Authority: Health and Safety Code Sections 1597.51 and 1597.52; and Welfare and Institutions Code Sections 10553 and 10554.

Reference: Health and Safety Code Sections 1597.54.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #983-56

840510-1

RECEIVED FOR FILING
MAY 10 9 59 AM '84
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
JUN - 5 1984
Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: Linda S. McPherson
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

JUN 5 - 1984
At 4:21 o'clock P. M.
MARCH FONG EU, Secretary of State
By: Mayorie Beahm
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Harry Baertschi

5-7054 TELEPHONE

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

MPP 45-203.51

Title: _____

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☐ Emergency (Attach Finding of Emergency) ☒ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

2/10/84

b. DATE OF ADOPTION OF REGULATION(S)

5/2/84

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

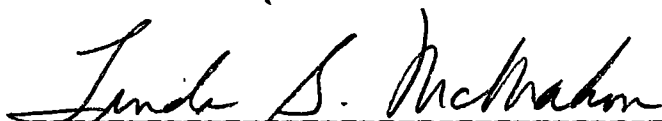
CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on January 17, 1984, and which became effective on January 17, 1984.

Manual of Policy and Procedures, Division 45, Chapter 45-203.51
Sections:

Amended
45-203.51

No amendments or repealers resulted from the public hearing held on March 28, 1984.


LINDA S. McMAHON
Director

5/2/84
Date

Amend MPP Sections 45-203.514 and .515 to read:

45-203 STATE AFDC--FC PROGRAM (Continued)

45-203

•5 Placement and Care

•51 Except for children living with nonrelated legal guardians, in direct court placements or placed voluntarily prior to the effective date of the regulations establishing EAS Division 45, responsibility for placement and care shall be vested in one of the following agencies:
(Continued)

•514 A licensed private adoption agency provided the services required in Section 45-201.4 are performed by the adoption agency, or a

•515 A licensed public adoption agency which is a governmental agency separate from the county welfare department, provided there is in effect a written agreement with the county welfare department, on a form prescribed by the department, that the services required in Section 45-201.4 shall be performed by that adoption agency.

•515.516 A district adoptions office of the department.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11401 and 11404.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1283-78

RECEIVED

MAY 17 9 59 AM '84

ADMINISTRATIVE LAW

ENDORSED
PROPOSED FINDING

JUN 19 1984

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

JUN 19 1984

At 4:22 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Deputy Secretary of State*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Janet Lombard

TELEPHONE

323-1899

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 50-011.326; .41; .461; .522

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☒ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☒ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

January 13, 1984

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

April 20 - May 4, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on January 23, 1984, and which became effective on January 23, 1984.

Manual of Policy and Procedures, Division 50, Chapter 50-000, Section:

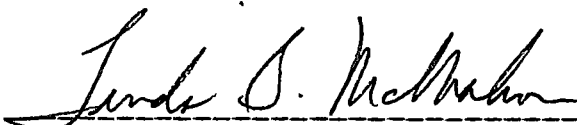
Adopted

50-011

These regulations were presented at public hearing on February 29, 1984. As a result of the public hearing the following sections have been changed.

Amended

50-011.326
50-011.41
50-011.461
50-011.522



LINDA S. MCMAHON
Director

5/15/84
Date

Amend MPP Sections 50-011.326, .41, .461, and .522 to read:

50-011 ZAPATA V. WOODS

50-011

•1 Background

On April 20, 1981, the Los Angeles Superior Court issued a judgment invalidating EAS Section 44-205 and 44-206 insofar as they deny AFDC benefits to needy relatives on the sole grounds that all dependent children in the family unit are receiving Supplemental Security Income (SSI). The judgment was stayed while the Department's appeal was pending.

On October 3, 1983, the United States Supreme Court refused to hear the Department's appeal of the judgment. By refusing to hear the case, the Supreme Court upheld the order issued by the Superior Court. Under the terms of the order, the Department must implement within 120 days the portion of the order requiring retroactive benefits.

The time period for retroactive benefits under the Superior Court order is from January 27, 1975 through January 31, 1984. The following provisions describe the procedure by which retroactive AFDC benefits will be claimed and eligibility for benefits determined.

•2 Informing potentially eligible persons of the availability of retroactive payments.

•21 In order to notify the class of potentially eligible persons, the Department shall:

•211 Enclose a notice informing current blind and disabled SSI recipients of the Zapata v. Woods decision with each February 1984 Medi-Cal card.

•212 Issue posters in English and Spanish informing the general public of the Zapata v. Woods decision.

(a) These notices shall be posted in county welfare departments and local Social Security Administration offices from January 23, 1984 until May 23, 1984.

•213 Issue letter-size notices identical to the poster, to each local office of the county welfare departments and 150 copies to plaintiff's counsel.

- .22 In order to notify the class of potentially eligible persons, the county welfare department (CWD) shall:
 - .221 Post State Department of Social Services (SDSS) supplied posters in a conspicuous location in each local office of the CWD from January 23, 1984 through May 23, 1984.
 - .222 Give to any person who so requests, a letter-size notice identical to the poster.
- .3 Application for Retroactive Payment and Claims Processing
 - .31 Claimant Responsibility
 - .311 The claimant shall contact the CWD to obtain an application/claim form (TEMP 1587).
 - .312 The claimant shall complete the claim form, sign it under penalty of perjury and send the form to the CWD in the county where he/she lives.
 - .313 The claim form shall be submitted to the CWD by April 30, 1984. Claims submitted after this date shall be denied. Unless the evidence indicates otherwise, the date submitted shall be determined as follows:
 - (a) If the claim is mailed to the CWD, the postmark date of the envelope; or
 - (b) If the claim is delivered in person to the CWD, the date stamped on the claim; or
 - (c) If the date cannot be determined by (a) or (b) above, the date the claim was signed.
 - .314 The claimant may resubmit a previously denied claim or portion thereof if the date of resubmittal is in accordance with .313 above.
 - .315 The claimant shall cooperate in obtaining all information/verification necessary to process the claim in accordance with MPP Section 40-157. Failure to provide the needed information/verification shall result in denial of that portion of the claim which the information/verification is for. See Section 50-011.47.
 - .32 CWD Responsibility

- .321 The CWD shall provide in person or by mail an application/claim form (TEMP 1587) to the claimant upon request.
- .322 The CWD shall stamp each claim with the date the form was submitted as specified in .313 above.
- .323 If the CWD receives a claim form on which the claimant indicates another CWD as the CWD which denied or discontinued aid, and the claimant is unable to provide verification of the denial or discontinuance, the CWD shall request a copy of the denial or discontinuance notice from the CWD indicated on the claim form.
- .324 If a CWD receives a claim form on which the claimant indicates he/she lives in another county, the CWD shall forward the claim to that county for the determination of eligibility and the amount of retroactive aid. In addition, the first CWD shall inform the claimant in writing that his/her claim has been forwarded to the welfare department in the county where he/she lives.
 - (a) The date of submittal of the claim form by the claimant shall be the date it was submitted to the first CWD as specified in .313 above.
- .325 The CWD shall determine eligibility and issue retroactive aid to eligible claimants or deny the claim, as appropriate, within 60 calendar days of receipt of the claim form except as provided in (b) below.
 - (a) Within this same 60-day period, the CWD shall issue a Notice of Action explanation to the claimant for retroactive aid indicating: (1) disposition of the claim, (2) computation of retroactive aid, and (3) the claimant's right to request a state hearing.
 - (b) Inability to complete the determination of eligibility within the 60-day period shall not be a basis for denying the claim unless the delay is caused by the refusal of the claimant to participate in the gathering of evidence in accordance with Section 40-157. The specified time limit may be exceeded in situations where completion of the determination of eligibility is delayed because of circumstances beyond the

control of the CWD. In these instances the case record must show the cause for delay.

- 326 The CWD shall submit to the State Department of Social Services (SDSS) a statistical report on or before July 12, 1984. The report shall be submitted on a form provided by SDSS and shall contain:

- (a) The number of Zapata claims received;
- (b) The number of Zapata claims denied;
- (c) The number of Zapata claims granted in full or in part;
- (d) The number of Zapata claims pending a decision as of June 30, 1984, and;
- (e) The total dollars paid to Zapata claimants;
- (f) The number of Zapata claims granted in full or in part in which GA/GR was used in the benefit computation, and
- (g) The total dollar value of GA/GR used in the benefit computation.

•4 Determination of Potential Eligibility for Retroactive Payments

- 41 Needy relatives potentially eligible to receive retroactive payments are caretaker relatives/parents whose AFDC benefits were denied or discontinued any time from January 27, 1975 through November 30, 1983 January 31, 1984 solely because the only child(ren) for whom aid was requested received SSI.
- 411 The period of potential eligibility for retroactive aid of an individual claimant begins on the date of his/her application for AFDC which was denied, or the effective date of discontinuance from AFDC if the action occurred later than January 27, 1975 and ends November 30, 1983.
- 412 The period of potential eligibility is limited to the period of time the child(ren) received SSI.
- 42 Needy relatives potentially eligible to receive retroactive payments must have met the following linking and nonlinking factors of AFDC eligibility in effect

during the period for which retroactive aid is being claimed:

- 421 Basis of deprivation: for AFDC-FG as specified in MPP Section 41-400; for AFDC-U as specified in MPP Section 41-440.1;
 - 422 Age of the child(ren) as specified in MPP Section 42-101;
 - 423 Income eligibility of the needy relative(s) as specified in .46 below;
 - 424 Resource limits of the needy relative(s) as specified in MPP Chapter 42-200, including the provision for resources excluded pursuant to MPP Section 42-213.2(t);
 - 425 Residence and citizenship of the needy relative(s) as specified in MPP Chapter 42-400;
 - 426 Qualification of the needy relative as a caretaker relative as specified in MPP Section 44-203; and
 - 427 Institutional status of the child(ren) as specified in MPP Chapter 42-500.
- 43 Failure to provide the information on the claim form necessary to establish eligibility regarding the factors specified in .42 above shall result in denial of that portion of the period claimed for which the factor(s) of eligibility is (are) not established in accordance with .47 below.
- 44 Verification of the eligibility factors contained in .41 and .42 above is required. If verification is unavailable, certification as specified in .444 is required.
- 441 Verification supporting .41 above includes the following:
- (a) Proof of denial/discontinuance from AFDC. The CWD shall provide the information from the case record if it is available.
 - (b) If the case record is unavailable, verification which the claimant may provide includes, but is not limited to:

- (1) A copy of a Notice of Action or a state hearing decision indicating that the claimant was denied or discontinued AFDC for the sole reason that the only child(ren) received SSI.
 - (2) A copy of any other official document indicating the claimant's denial or discontinuance of AFDC for the sole reason that the only child(ren) received SSI.
 - (c) Proof of the period of time the child(ren) received SSI. The proof shall be obtained pursuant to .442 below.
- .442 Verification supporting .42 above includes the following:
- (a) The verification requirements contained in each MPP section specified under .42, except .422.
 - (b) Information received from the Social Security Administration (SSA).
- .443 The CWD shall request from the local office of the SSA the following information using form SSA-1610-U2 unless the claimant chooses to provide verification of (a), (b), and (c) below. A separate form must be submitted for each child in the home.
- (a) The time period the child received SSI.
 - (b) The date of birth of the child.
 - (c) The gross amount of earned and unearned income of the parent as contained in the SSA files.
- .444 If the verification specified in .441 and .442(a) is not reasonably available the claimant must provide the reason(s) on the claim form. The CWD may make any third-party contacts it determines to be necessary. A consent form shall be used for this purpose in accordance with MPP Section 40-157.22.
- (a) Acceptable reasons for the unavailability of verification include, but are not limited to:
 - (1) The destruction or loss of records.

- (2) Inability on the part of the claimant to locate the third party in order to supply the verification.
- (3) The refusal or inability on the part of the third party to supply the verification.
- (4) Other circumstances beyond the control of the claimant.

(b) If verification is not obtained and the CWD determines it is reasonably available, the CWD shall request the verification in accordance with .47 below.

.445 Information received from the SSA shall be compared to the information provided by the claimant.

- (a) The information provided by the SSA regarding the time period the child(ren) received SSI shall be used to determine the retroactive aid period.
- (b) The information provided by the SSA regarding the date of birth of the child(ren) shall be used to determine the retroactive aid period.
- (c) The information provided by the SSA regarding the amount of gross earned and unearned income of the parent(s) would require the CWD to send a notice in accordance with .47 below only when the parent(s) indicated no income on the claim form. Otherwise when a parent(s) has provided information/verification regarding income, that information/verification shall be used for the eligibility and retroactive payment determinations even when it differs from SSA information.

.446 Discrepancies arising as a result of a third-party contact shall be resolved in accordance with MPP Section 40-157.

.45 The size of the Assistance Unit shall be based on the number of persons who may be included in the Assistance Unit specified in MPP Section 44-203, and for whom retroactive aid is being claimed.

.451 If retroactive aid is claimed for a person not entitled to be included in the Assistance Unit as specified in MPP Section 44-203 or who must be excluded as specified in MPP Section 44-206, that portion of the claim shall be denied.

.452 If retroactive aid is claimed for both the caretaker relative and the spouse of the caretaker relative living in the home who may be included in the Assistance Unit, both shall sign the claim form.

(a) If either one or both of the relatives fails to sign the claim form the CWD shall not include that relative in the Assistance Unit, and shall issue a denial notice after requesting a signature in accordance with .47 below.

.46 150 Percent Income Limit on Eligibility

.461 The Assistance Unit, as determined in .45 above, is ineligible for any calendar year or portion thereof being claimed, within the period from December 1, 1981 through November 30, 1983 January 31, 1984 when: (a) the total gross income of the family for the calendar year or portion thereof exceeds 150 percent of MBSAC for the number of persons in the Assistance Unit. Gross income is defined in Chapter 44-100 with the exceptions listed in MPP Section 44-207.211. When the gross income includes the income of a parent living in the home who is not included in the Assistance Unit, the MBSAC shall be increased by one for him/her.

.462 The value of 150 percent of MBSAC from December 1, 1981 through November 30, 1983 is as follows:

		Time Period	
		12/1/81	7/1/83
		to	to
		6/30/83	12/31/83
1 person:	\$372		\$387
2 persons:	612		636

Example: An Assistance Unit of one is otherwise eligible to receive retroactive aid from January 1981 through June 1983. He/she reports gross income received: (1) between

March 1982 through November 1982 of \$3420; and (2) between January 1983 through June 1983 of \$2280. The calculation of the 150 percent income limit of eligibility is as follows:

1982

- (1) Determine number of months being claimed (12).
- (2) Multiply number of months by value of 150 percent of MBSAC in .462 above for correct assistance unit size (12 X \$372 = \$4464).
- (3) Compare gross income to total 150 percent limit in (2) (\$3420 to \$4464). The Assistance Unit is eligible for 1982 because its gross income is less than 150 percent of MBSAC.

1983

- (4) Determine number of months being claimed (6).
- (5) Multiply number of months by value of 150 percent of MBSAC in .462 above for correct assistance unit size (6 X \$372 = \$2232).
- (6) Compare gross income to total 150 percent limit in (5) (\$2280 to \$2232). The assistance unit is ineligible for 1983 because its gross income is greater than 150 percent of MBSAC.

.47 The CWD shall request missing or incomplete information or verification it determines should be available which is necessary to determine eligibility and benefit levels. Claims submitted on or before the dates listed in .313 above shall be held open pending receipt of county-requested information for 30 days after the request for additional information is made. At the end of the 30-day period, the county shall, based on the information available, determine eligibility and make retroactive payment or deny the claim in accordance with .315, .325, and .4 above, and .5, and .6 below.

- (a) If the claimant requests assistance, the CWD shall in accordance with MPP Sections 40-107.1 and 40-157.2 assist the claimant as needed in establishing his/her eligibility.

.5 Determination of the Amount of Retroactive Payment

•51 Basic Grant: The amount of the basic grant shall be calculated as follows:

•511 Based on the size of the Assistance Unit determined in •45 above, determine the Maximum Aid Payment (MAP) for the period of the claim which the claimant is eligible to receive.

•512 MAP levels from January 1, 1975 through January 31, 1984 are as follows:

	Time Period				
	1/1/75 to 6/31/75	7/1/75 to 6/30/76	7/1/76 to 12/31/76	1/1/77 to 6/30/77	7/1/77 to 6/30/79
1 persons:	129	144	157	166	175
2 persons:	212	237	258	273	287

	Time Period				
	7/1/79 to 6/30/80	7/1/80 to 6/30/81	1/1/81 to 6/30/81	7/1/81 to 6/30/83	7/1/83 to 1/31/84
1 persons:	201	232	227	248	258
2 persons:	331	382	374	408	424

Example: An Assistance Unit of one is eligible to receive retroactive aid from January 1977 through May 1978 and from January 1979 through December 1980. The calculation of the MAP amount is as follows:

- (1) Aid for 1/1/77 through 6/30/77 = \$996
(6 months x \$166)
- (2) Aid for 7/1/77 through 5/31/78 = \$1,925
(11 months x \$175)
- (3) Aid for 1/1/79 through 6/30/79 = \$1,050
(6 months x \$175)
- (4) Aid for 7/1/79 through 6/30/80 = \$2,412
(12 months x \$201)
- (5) Aid for 7/1/80 through 12/31/80 = \$1,392

(6 months x \$232)

(6) Basic grant for claim period = \$7,775
 ((1)+(2)+(3)+(4)+(5))

- 52 Calculate the amount of net nonexempt income of the Assistance Unit.
- 521 For income received from January 27, 1975 through November 30, 1981, calculate net nonexempt income as follows:
- (a) Determine the amount of gross earnings received in the claimant's eligible claim period occurring in this time period. For self-employed individuals, determine the total profit in accordance with MPP Section 44-113.212.
 - (b) Compute the number of months which the earnings covered.
 - (c) Multiply the number of months determined in (b) by \$30.
 - (d) Subtract the amount derived in (c) above from the gross earnings.
 - (e) Subtract from the remainder determined in (d) one-third of the remainder.
 - (f) Subtract from the remainder determined in (e) the mandatory deductions and work-related expenses which the claimant is entitled to receive. Mandatory deductions and work-related expenses shall be disallowed when the information or proof provided on the claim form is insufficient to establish the deduction as an allowable expense.
 - (1) The allowable mandatory deductions are: local, state, and federal income tax; social security and compulsory retirement; unemployment and disability insurance contributions.
 - (2) The allowable work-related expenses are: child care expenses, and work-related costs incurred or paid by the claimant.

- (A) Types of allowable work-related costs include, but are not limited to: transportation costs, amount for gas; tires; oil; car payments; car insurance; license and registration fees; mechanical repairs; repairs or replacement, if directly related to safety; and actual cost for riding with another person(s) and other work-related costs not supplied or reimbursed by the employer including, but not limited to, tools; uniforms; and special equipment necessary for employment.
- (3) Proof supporting the mandatory deductions and work-related expenses includes those specified in MPP Section 44-113 in effect during the period for which retroactive aid is being claimed. If the verification is not reasonably available the claimant shall provide the reason(s) on the claim form. Acceptable reasons for unavailability are contained in .444(a) above.
- (g) Add to the amount determined in (f), all unearned income received by the Assistance Unit, and any aid payments including but not limited to General Relief received during the eligible claim period.
- (h) Subtract from the total determined in (g) any mandatory child support payments claimed.
- (i) The amount determined in (h) is the net nonexempt income.

Example: The claimant reported income during his/her eligible retroactive period from January 1977 through May 1978 and from January 1979 through December 1980. The calculation of the net nonexempt income is as follows:

- (1) Gross earnings received: \$6,900
- (2) Number of months which the earnings covered: 41

(3)	41 months x \$30 = \$1,230
(4)	\$6,900 - \$1,230 = \$5,670
(5)	\$5,670 - \$1,890 (\$5,670 ÷ 3) = \$3,780
(6)	\$3,780 - \$780 (mandatory deduction/work-related expenses) = \$3,000
(7)	\$3,000 + \$210 (unearned income received) = \$3,210

.522 For the period from December 1, 1981 through November 30, 1983 January 31, 1984, calculate net nonexempt income for the income received in the claimant's eligible claim period within this time period in accordance with MPP Section 44-100 except that the calculation shall be for the entire period claimed instead of a month. The \$30 and 1/3 disregard shall only be given for the appropriate number of months in accordance with MPP Section 44-111.23.

.523 Combine the amounts calculated in .521 and .522 to determine the total net nonexempt income of the Assistance Unit.

.53 Calculate the amount of retroactive payment as follows:

.531 From the amount of basic grant determined in .51 above, subtract the amount of net nonexempt income determined in accordance with .52 above. The remainder is the amount of retroactive payment.

HANDBOOK

Example:	Basic Grant Determined in .51	: \$ 7,775
	Less Net Nonexempt Income	
	Determined in .52	: <u>-3,210</u>
	Amount of Retroactive Payment	: \$ 4,565

.6 Delivery of the Retroactive Payment

.61 The payment shall be delivered in accordance with MPP Section 44-305.26.

.62 The retroactive payment in .531 above shall be used to offset any collectable outstanding overpayment in accordance with MPP Section 44-351.3. Any amount in excess of the overpayment shall be paid to the claimant.

.63 The retroactive payment received by the claimant shall not be considered income or property for AFDC in the month of receipt or in the following month in accordance with MPP Section 42-213.2(h).

.64 Concurrent with the retroactive payment shall be a Notice of Action explaining to the claimant how the retroactive payment was computed and his/her right to request a state hearing.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Los Angeles Superior Court Order Numbers 000476 and 000548, filed April 20, 1981, Zapata v. Woods (137 Cal. APP. 3d 858), 42 USC 602(a)(24).

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

840612-7
ORD #184-5

**FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW**

RECEIVED FOR FILING

JUN 12 3 10 PM '84

ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

JUN 20 1984

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services
(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

JUN 20 1984
At 3:48 o'clock P. M.
MARCH FONG EU, Secretary of State
By *Marjorie Hershberger*
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Dion Webb

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 69-208.711 and .724

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☒ Yes, if yes give date of previous filing withdrawn May 31, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 1, 1984

b. DATE OF ADOPTION OF REGULATION(S)

June 11, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on filing with the Secretary of State (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050–6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Sections 69-208.711 and .724 to read:

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-209
EDUCATION/TRAINING REQUIREMENTS

.7 Penalties for Failure or Refusal to Comply with the
Registration, Employment and Employment-Directed
Education/Training Requirements

.71 (Continued)

.711 Except as provided in Section 69-208.73, the
noncomplying individual shall be ineligible for RCA
benefits for three payment months for the first
occurrence and six payment months for the second and
subsequent occurrences 30 days from the date of
discontinuance for refusal or failure to comply
without good cause. Aid continues to the rest of the
FBU if the members are otherwise eligible.

.72 In the event aid is denied or discontinued, the following
actions are required:

.721 (Continued)

.722 (Continued)

.723 (Continued)

.724 The noncomplying refugee may reapply for request
restoration of assistance at any time after the
termination of assistance because of refusal or
failure to comply. The effective date of aid
restoration, however, may shall be no earlier than
the day after the completion of the 30-day penalty
period.

Authority: Welfare and Institutions Code Section 10554.

Reference: Welfare and Institutions Code Sections 10554 and 8
USC 1522 (e), (f) and Federal Action Transmittal 83-6
dated December 27, 1983.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

RECEIVED FOR FILING

JUN 11 1984

Office of Administrative Law

ENDORSED
APPROVED FOR FILING

JUN 21 1984

Office of Administrative Law

LEAVE BLANK

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

ORD #0684-25

840611-2

FILED

In the office of the Secretary of State
of the State of California

JUN 21 1984

At 4:18 o'clock P.M.

MARCH FONG EU, Secretary of State

By Mayorie Hershberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Rick Torres, Regulations Analyst

TELEPHONE

5-0313/3-0883

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: See Attached

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☒ Editorial Corrections

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF ADOPTION OF REGULATION(S)

June 8, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on _____ filing with the

Secretary of State (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

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(OAL-4)

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Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

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- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Sections Amended

63-001

63-014

63-103(g), (h), (i), .21(i)(4), .22 and .23

63-106.7 and .711

63-107.1, .231(b), 231(c), .31, .34, .5, .51, .6, .7, and .81

63-202.6

63-203.1

63-205.1 and .2

63-300.1, .3, .31, .32, .34, .35, .51, .511, and .512, .531, and .543

63-402.33(b)

63-406.214 and .23

63-503.12, .13, .414, .4, .49, .491, .492, .492(a)(1), .492(a)(2)(B)(3), .492(b)(1) and .493

63-504.267(e)(4)

63-605.313(a) and .316

63-702.44

Amend Section 63-001 as shown:

63-001 IMPLEMENTATION OF SPECIAL MEDICAL/SHELTER DEDUCTIONS63-001

Counties shall implement the new excess medical expense, and excess shelter expense deductions promulgated by Public Law 96-58 to amend the Food Stamp Act of 1977. All eligible food stamp households containing a member who is (1) 60 years of age or older or (2) receiving disability payments under Title II of the Social Security Act will be entitled to these deductions.

Amend Section 63-014 as shown:

63-014 IMPLEMENTATION OF REPLACEMENT PROVISIONS

63-014

Counties shall implement the revised provisions for replacements of ATPs and coupons promulgated by Public Law 95-113 (Food Stamp Act of 1977) as follows:

Beginning the first of the month 60 days after filing these revisions with the Secretary of State, counties shall implement the revised program changes for all households.

The restriction which limits ATP or coupon replacements during any six-month period shall begin on the implementation date and all households will have zero replacements at that point. Regulations shall be implemented from that point on in accordance with the type and number of replacements which are then allowed.

The CWD shall mail or individually provide all currently certified households with a notice explaining the household's reporting responsibilities for replacements. The notice language to be used shall be provided by SDSS. This notice shall be issued as soon as possible. HHowever, it may be delayed in order to be provided with the next allotment.

Amend Section 63-103.21(g), (h), (i)(1), and (1)(4) as shown:

63-103 ADMINISTRATIVE AUTHORITIES

63-103

.2 State Agency Delegations to County Agencies

.21 (Continued)

- g. Determining the amount of, and settling, adjusting, compromising, or denying all or part of any claim which results from fraudulent or nonfraudulent overissuances to participating households, subject to the standards in Section 63-801;
- h. Prompt submission to SDSS/FSPM3 of revised Information Statement Forms DFA 298, 298.1, 298.2 or 298.3 to reflect any changes made to an earlier reported form item;
- i. Maintenance of procedures and controls to:
 - (1) Implement Food Stamp Program changes as required by SDSS.

.21 (Continued)

i. (Continued)

- (4) Coordinate records and forms where there are separate PA records on the same food stamp household, as the FS Food Stamp Program operates on a consolidated household basis and adequate cross referencing is necessary.

Amend Sections 63-103.22 and .23 to read:

63-103 ADMINISTRATIVE AUTHORITIES (Continued)

.2 State Agency Delegations to County Agencies (Continued)

- .22 Pursuant to Section 63-601.2 provisions, county welfare departments CWDs may delegate to banks or other agents by means of an SDSS approved contract, certain responsibilities for the issuance of coupons including maintaining the necessary fiscal and inventory controls and reporting.
- .23 The county welfare department CWD may not delegate its responsibility for certification, i.e., action on applications, determination of eligibility and the proper stamp allotment. Nor can the county CWD totally divest itself of responsibility for required reports even though the data may be available only through the contracted issuing agency.

Amend heading to Section 63-106.7 and amend Section 63-106.711 as shown:

63-106 DEMONSTRATION, RESEARCH AND EVALUATION PROJECTS 63-106

•7 Federal Financial Participatingion

•71 Level of Funding

- 711 Grant Awards. FNS shall pay all costs up to the level established in the grant award. When a demonstration project involves an area of ongoing state or county administrative responsibilities as established in Section 63-103 FNS may pay up to 100 percent only of those administrative costs which exceed those usual and customary to program operations.

Amend Sections 63-107.1, .231b, .231(c), .31, .34, .5, .51, .6, .7, and .81 as shown:

63-107 BENEFIT REDUCTION, SUSPENSION, OR CANCELLATION
PROCEDURES

63-107

.1 General Purpose

This section sets forth procedures to be followed if the monthly food stamp allotments determined in Manual Section 63-503 must be reduced, suspended, or cancelled to comply with Section 18 of the Food Stamp Act of 1977. Section 18(b) of the Food Stamp Act of 1977 directs the Secretary of USDA to reduce, suspend or cancel the value of coupon allotments if program costs exceed the fiscal year appropriation.

.2 Reductions (Continued)

.23 (Continued)

.231 (Continued)

- (b) Where manual issuance is used, counties CWDs shall reproduce the revised issuance tables provided by SDSS and distribute them to issuance personnel. It is the responsibility of the county CWD to ensure that sufficient copies are distributed to issuance agents and personnel in time to allow benefit reduction during the month ordered by SDSS.
- (c) In an HIR card issuance system, the county CWD has the option to reduce benefits by changing all HIR cards before issuance for the affected month or by adjusting individual HIR cards when the household appears at the issuance office.

63-107 BENEFIT REDUCTIONS, SUSPENSION, OR CANCELLATION
PROCEDURES (Continued)

63-107

.3 Suspensions and Cancellations

- 31 If a decision is made to suspend or cancel the distribution of food stamp benefits, SDSS will notify the counties CWDs of the date suspension or cancellation is to take effect.

•3 Suspensions and Cancellations (Continued)

- 34 Upon being notified by SDSS that a suspension or cancellation of benefits is over, counties CWDs shall act immediately to resume issuing benefits to certified households in accordance with Sections 63-602.322, 63-602.48, 63-603.311, and 603.315.

63-107 BENEFIT REDUCTION, SUSPENSION, OR CANCELLATION PROCEDURES (Continued)

63-107

•5 Notification of Eligible Households

Counties CWDs shall provide households with notice of the reduction, suspension or cancellation of program benefits pursuant to instructions issued by SDSS, except that counties CWDs shall not provide notices of adverse action to households affected by reductions, suspensions, or cancellation of allotments.

- 51 At such time as it is deemed necessary, SDSS shall inform counties CWDs of the method(s) for disseminating the notices of the reduction, suspension or cancellation of program benefits; and shall provide counties CWDs with both the language and format to be used in such notices.

•6 Restoration of Benefits

Households whose allotments are reduced or cancelled as a result of the enactment of these procedures are not entitled to the restoration of lost benefits at a future date. However, if the Food and Nutrition Service determines at a later date that previously reduced, cancelled, or suspended benefits are to be restored, SDSS will notify the counties CWDs must be able to produce a record of the amount of benefits each household would have received had full monthly benefits been distributed.

•7 Records of Reduction, Suspension, or Cancellation

Counties CWDs must be able to produce a record of the amount of benefits each household receives during a month in which a

reduction is in effect along with a record of the amount of benefits each household would have received had full monthly allotments been distributed. Also, in the event benefits are cancelled, or suspended, counties CWDs must be able to produce a record of the amount of benefits each household would have received had full monthly benefits been distributed.

•8 Effects of Reductions, Suspensions, or Cancellations on the Certification of Eligible Households

- 81 Counties CWDs shall accept and process applications (new and recertifications) during a month(s) in which a reduction, suspension, or cancellation is in effect.

Renumber Section 63-202.6 to .5 as shown:

63-202 PROGRAM ADMINISTRATION AND PERSONNEL REQUIREMENTS 63-202

6.5 Training {Continued} Forms

The CWD shall use the forms prescribed in the Food Stamp Manual to collect, document, and/or report Food Stamp Program information. Any modification or substitution of forms prescribed in the Food Stamp Manual shall be approved by SSSS Food Stamp Program Management Branch prior to use. Procedures for approval are contained in Handbook Section 63-1250.

Amend Section 62-203.1 as shown:

63-203 NONDISCRIMINATION COMPLIANCE

63-203

.1 Requirement

Counties CWDs shall not discriminate against any applicant or participant in any aspect of program administration, including, but not limited to, the certification of households, the issuance of coupons, the conduct of fair state hearings, or the conduct of any other program service in accordance with the provisions of Division 21.

Amend Sections 63-205.1 and .2 as shown:

63-205 LOCATION AND HOURS OF OPERATION OF CERTIFICATION AND 63-205
ISSUANCE SERVICES

.1 Levels of Certification Services

Counties CWDs are responsible for determining the location and hours of operation of certification services available to food stamp applicants and participants based on assessment of their needs. Basic certification services consist of distributing and accepting applications, interviewing applicants, and accepting notices of change in household circumstances.

.2 Levels of Issuance Services

The county CWD is responsible for determining the location and hours of operation of the issuance services available to food stamp participants based on assessments of their needs. A wide variety of issuance methods may be used, including mail issuance, to fulfill issuance service needs.

Amend Sections 63-300.1, .3, .31, .32, .34, .35, .51, .511, .512, and .531, and renumber Sections 63-300.34 and .35 to .33 and .34, respectively, to read:

63-300 APPLICATION PROCESS

63-300

.1 General Purpose

The application process includes filing and completing an application form, being interviewed, and having certain information verified. The County Welfare Department CWD shall act promptly on all applications and provide food stamp benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. Expedited service shall be available to households in immediate need. Specific responsibilities of households and county welfare departments CWDs in the application process are detailed below.

63-300 APPLICATION PROCESS (Continued)

63-300

.3 Filing, Notice of Right to File and Withdrawal

Households must file food stamp applications by submitting the forms to the food stamp office either in person, through an authorized representative or by mail. The length of time to deliver benefits is calculated from the date the application is filed in the food stamp office designated by the county welfare department CWD to accept the household's application. Each household shall be advised of their right to file an application on the same day it contacts the food stamp office during office hours (Section 63-300.32). The household shall also be advised that it does not have to be interviewed before filing the application and may file an incomplete application form as long as the form contains the applicant's name and address, and is signed by a responsible member of the household or the household's authorized representative. The county welfare department CWD shall document the date the application was filed by recording on the application the date it was received by the food stamp office.

.31 Contacting the Food Stamp Office

The county welfare department CWD shall encourage households to file an application form the same day the household or its representative contacts the food stamp

office in person or by telephone and expresses interest in obtaining food stamp assistance. If a household contacting the food stamp office by telephone does not wish to come to the appropriate office to file the application that same day and instead prefers receiving an application through the mail, an application form shall be mailed to the household on the same day the telephone request is received. An application shall also be mailed on the same day a written request for food assistance is received.

Where the county welfare department CWD has designated certification offices to serve specific geographic areas, households may contact an office other than the one designated to service the area in which they reside. If a household contacts the wrong certification office within the county, either in person or by telephone, the certification office shall, in addition to meeting the above requirements, give the household the address and telephone number of the appropriate office. The certification office shall also offer to forward the household's application to the appropriate office on that same day if the household has completed enough information on the application to file. The household shall be informed that its application will not be considered filed and the processing standards shall not begin until the application is received by the appropriate office. If the household has mailed its application to the wrong office the certification office shall mail the application to the appropriate office on the same day as received. The filing date will be the day the appropriate office receives the application.

The county welfare department CWD shall make application forms readily accessible to potentially eligible households and those groups and organizations involved in outreach efforts. The application form shall be provided to anyone who requests the form.

63-300 APPLICATION PROCESS (Continued)

•3 Filing, Notice of Right to File and Withdrawal (Continued)

•32 Notice of Right to File

The county welfare department CWD shall post signs in the certification office which explain the application

processing standards and the right to file an application on the day of initial contact.

•343 Withdrawing Application

The household may voluntarily withdraw its application at any time prior to the determination of eligibility. The county welfare department CWD shall document in the case file the reason for withdrawal, if any was stated by the household, and that contact was made with the household to confirm the withdrawal. The household shall be advised of its right to reapply at any time subsequent to a withdrawal.

•354 Identifying Special Need Cases

The county welfare department's CWD's application procedures shall be designed to identify applicant households that are eligible for the following special need provisions.

63-300 APPLICATION PROCESS (Continued)

63-300

•5 Verification (Continued)

•51 Mandatory Verification

The county welfare department CWD shall verify the following information prior to certification for households initially applying:

•511 Gross Nonexempt Income

Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the county welfare department CWD and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information.

•512 Alien Status

Based on the application, the county welfare department CWD shall determine if members identified

as aliens are eligible aliens, as defined in Section 63-403 by requiring that the household present verification for each alien member. Specific requirements for verification of alien status are addressed in Section 63-403.

63-300 APPLICATION PROCESS (Continued)

63-300

•5 Verification (Continued)

•53 (Continued)

•531 Household Composition

The eligibility worker shall verify any factors affecting the composition of a household if questionable. Individuals who wish to be a separate household from those with whom they reside shall be responsible for proving that they are a separate household. Individuals described in Section 63-402.145 who wish to be a separate household, shall also be responsible for obtaining the cooperation of the individuals with whom they reside in providing necessary income information to the eligibility worker, and for providing (at eligibility worker request) a physician's statement that they cannot purchase and prepare their own meals. For any household member affirming a permanent disability that is questionable (not apparent) to the eligibility worker, under clause (5) of the definition of "Elderly or disabled member" as defined in Section 63-102(i), the household shall provide (at eligibility worker request) a statement from a physician or licensed or certified psychologist to assist the eligibility worker in making a disability determination.

Amend Section 63-301.543 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)

63-301

•5 (Continued)

•54 (Continued)

- 543 Households that are certified on an expedited basis and have provided all necessary verification required by Section 63-300.5 prior to certification shall be assigned a normal certification period. For nonmonthly reporting households, if verification was postponed, those households that apply before the 15th day of the calendar or fiscal month shall be certified for one month only. Benefits for the initial month shall be prorated from the date the application was file to the end of that calendar or fiscal month. Households shall reapply and complete the verification which was postponed, unless they have been certified under normal processing standards since the last expedited certification.

Nonmonthly reporting households applying after the 15th day of the calendar or fiscal month shall be certified only for the month of application, and the subsequent month.

Monthly reporting households with postponed verification ~~will~~ shall be assigned a normal certification period in accordance with Section 63-504.1.

Amend Section 63-402.33(b) to read:

63-402 HOUSEHOLD CONCEPT

•3 Boarders (Continued)

•33 (Continued)

- (b) parents living with their natural, adopted, or stepchildren or children living with their natural, adopted, or stepparents, unless at least one parent is elderly or disabled as defined in Section 63-102(i).

Amend Sections 63-406.214 and .23 as shown:

63-406 STUDENTS

63-406

•2 Eligibility Requirements (Continued)

•21 (Continued)

- 214 Be exerting parental control over a dependent household member who has reached age six but is under age 12 and the CWD has determined on a case-by-case basis that adequate child care services ~~is~~ are not available (See Section 63-406.23).

•2 Eligibility Requirements (Continued)

- 23 In determining whether or not adequate child care services ~~is~~ are available as required in Section 63-406.214, the following factors shall be considered:

Renumber Section 63-503.12 to .13 and amend Section 63-503.414 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS

63-503

.1 Month of Eligibility (Continued)

.12 A calendar month shall be used for certification and issuance purposes. However, a CWD may, with prior SDSS and FNS approval, use a fiscal month if the CWD determines that it is more efficient and satisfied SDSS that the accounting procedures fully comply with certification and issuance requirements contained in these regulations. A CWD may elect to use either one fiscal month for all households, or more than one fiscal month with varying beginning dates based on the date a household files an application.

.123 A household's prorated benefit level for a) the initial month of certification, or b) the first month for which the household is certified for participation in the Food Stamp Program following any period during which the household was not certified for participation, shall be based on the day of the month it applies for benefits or the day the application is received in the appropriate office (see Section 63-300.31). Using a calendar or fiscal month, households shall receive benefits prorated from the day of application to the end of the month. Refer to Handbook Section 63-1101 for Reciprocal Table for computing first month benefits.

.4 Households with Special Circumstances (Continued)

.41 (Continued)

.414 Capital Gains

The proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for Federal income tax purposes. Even if only 50 percent of the proceeds from the sale of capital goods or equipment is taxed for Federal income tax purposes, the CWD shall count the full amount of the capital gain as income for food stamp purposes.

Amend Sections 63-503.53, .532(a)(1), .532(a)(2)(B)(3), and .532(b)(1) and renumber Sections 63-503.5, .53, .531, .532, and .533 to 63-503.4, .49, .491, .492, and .493, respectively, to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY
AND BENEFIT LEVELS (Continued)

63-503

.54 Households with Special Circumstances (Continued)

.5349 Household with Sponsored Aliens

Portions of the gross income and the resources of a sponsor and the sponsor's spouse (if living with the sponsor) shall be deemed to be the unearned income and resources of a sponsored alien for three years following the alien's admission for permanent residence to the United States. The spouse's income and resources ~~will~~ shall be counted even if the sponsor and spouse were married after the signing of the agreement.

The amount of income and resources deemed to be that of the sponsored alien in accordance with Section 63-503.53~~2~~492 shall be considered in determining the eligibility and/or benefit level of the household of which the alien is a member.

.53491 The following aliens are exempt from provisions for sponsored aliens:

- (a) An alien who is participating in the Food Stamp Program as a member of his or her sponsor's household;
- (b) An alien who is sponsored by an organization or group as opposed to an individual;
- (c) An alien who is not required to have a sponsor under the Immigration and Nationality Act, such as, but not limited to, a refugee, a parolee, one granted asylum, and/or a Cuban or Haitian entrant.

.53492 Eligibility and Benefit Level

- (a) Income

(1) Unearned income of the household containing sponsored aliens shall include the following: The amount of the monthly income of an alien's sponsor and the sponsor's spouse (if living with the sponsor) that has been deemed available to the alien, unless the sponsored alien is otherwise exempt from this provision in accordance with Section 63-503.53+491.

(2) Unearned income deemed available to the alien is determined as follows:

(A) Take the total monthly gross income of the sponsor and the sponsor's spouse (if living with the sponsor) at the time the household containing the sponsored alien member applies or is recertified for participation in the Food Stamp Program.

(i) Deduct an 18 percent earned income amount for that portion of income determined as earned income of the sponsor and the sponsor's spouse, and

(ii) Deduct the food stamp monthly gross income eligibility limit for a household equal in size to the sponsor's household, i.e. the sponsor, the sponsor's spouse and any other person who is claimed by the sponsor, or the sponsor's spouse as dependent for federal income tax purposes.

(B) If the alien has already reported gross income information on his/her sponsor, due to Aid to Families with Dependent Children's (AFDC) sponsored alien rules, that income amount may be used for Food Stamp Program-deeming purposes. However, allowable deductions to be applied to the total gross income of the sponsor and the sponsor's spouse, prior to attributing an income amount to the alien, shall be limited to the 18 percent earned income amount and the

Food Stamp program gross monthly
income amount stated above.

- (3) Direct cash payment to the alien by the sponsor or the sponsor's spouse ~~will~~ shall not be considered as income to the alien unless the amount paid exceeds the amount of the sponsor's income deemed available to the alien. Only the amount paid that actually exceeds the deemed amount would be considered income to the alien.

(b). Resources

- (1) "Resources for households containing sponsored aliens" shall also include that portion of the resources of an alien's sponsor and the sponsor's spouse (if living with the sponsor) which has been deemed to be those of the alien, unless the sponsored alien is otherwise exempt from this provision in accordance with Section 63-503.531491.
- (2) Resources of the sponsor and sponsor's spouse as determined by Section 63-501 deemed to be that of the alien shall be the total amount of their resources reduced by \$1,000. If the alien has already reported total resource information on his/her sponsor due to AFDC's sponsored alien rules, the resource amount calculated by AFDC as the amount to be attributed to the alien, may be used for Food Stamp Program deeming purposes.

(c) Treatment of Income and Resources of More Than One Sponsored Alien

If a sponsored alien can demonstrate to the CWD that his/her sponsor sponsors other aliens, then the income and resources deemed under this section shall be divided by the number of such aliens that apply for, or are participating in the Food Stamp Program.

(d) Changing Sponsors

If the alien changes sponsors during the certification period, then deemed

income/resources shall be recalculated based on the required information of the new sponsor. See Section 63-403.33.

•533.493 Awaiting Verification

If information necessary to carry out the provisions of this section is not received or verified on a timely basis, the sponsored alien and his/her spouse shall be ineligible to participate until such time as all necessary facts are obtained. In determining the eligibility and/or benefit level of the remaining household members, the income and resources of the ineligible alien and his/her spouse (excluding the attributed income and resources of the alien's sponsor and sponsor's spouse) shall be treated in the same manner as a disqualified member as set forth in Section 63-503.544, and considered available. If the information or verification is subsequently received, the CWD shall act on the information as a reported change in household membership in accordance with the timeliness standards in Sections 63-505.23 and .5.

Amend Section 63-504.267(e)(4) to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY 63-504

(Continued)

•2 Notices of Action (Continued)

•26 Notice of Change (DFA 377.4) (Continued)

•267 (Continued)

(e) (Continued)

- (4) The household failing to respond to a notice of proposed change in benefits (DFA 377.4) requesting missing verification, as provided in Section 63-504.3.

Amend Sections 63-605.313(a) and .316 to read:

63-605 COUPON/ATP REPLACEMENTS (Continued)

63-605

.3 CWD Responsibilities

.31 (Continued)

- .313 Obtain the signature of the household member or the authorized representative on the DFA 303.

- (a) The DFA 303 may be mailed to all households. However, it shall be mailed if the participant is unable to come into the office because of age, handicap, or distance from the office and is unable to appoint an authorized representative. However, the use of a mail system shall not preclude the recipient from making in-office transactions.

.31 (Continued)

- .316 Authorize and issue, or deny a replacement ATP or coupons, as specified in Sections 63-605.11, .13 and .131, no longer than 10 days after the report of the loss has been received.

Amend Section 63-702.44 to read:

63-702 LIABILITIES (Continued)

63-702

.4 Photo ID (Continued)

- .44 In CWDs using an HIR system the strict liabilities conditions of Sections 63-702.41, .42 and .43 apply in a like manner.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1283-81

(Resubmission)

840622-1

FILED

In the office of the Secretary of State
of the State of California

JUN 25 1984

At 5:04 o'clock P.M.

MARCH FONG EU, Secretary of State

By Raymond Hershberger
Deputy Secretary of State

LEAVE BLANK

JUN 22 1984

Office of Administrative Law

ENDORSED

PROPOSED FOR FILING

JUN 25 1984

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY: Linda S. McPherson
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

AGENCY CONTACT PERSON AND POSITION

Dan Fleek and Jerry Demorest, Regulation Analysts

TELEPHONE

(916) 445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title: SECTIONS AMENDED MPP Sections 11-400(.1 and .2); 11-402(.13); .16; .211; .323; .341(a)(5)
.413; .414; .431; .514(g); .541(a); .55; .74; .76; .821; 11-403(.1 and .2); 11-406.15
SECTIONS ADOPTED MPP Sections 11-402(.211(f); .213; .239; .411(b); .551; .552; .741; .742
and .743)
SECTIONS REPEALED MPP Sections 11-400.1; 11-401(.341(a)(4); .541(a)(1) and .541(a)(2);
.551; .552) and 11-404

3. TYPE OF ORDER (CHECK ONE)

- ☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☐ No ☒ Yes, if yes give date of previous filing May 21, 1984

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

45 Day Notice: 1/13/84

15 Day Notice: 5/4/84

b. DATE OF ADOPTION OF REGULATION(S)

May 21, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

5/4/84-5/18/84 inclusive

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☐ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective on July 1, 1984 as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.

(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(1) REPEAL SECTION 11-400.1 AND RENUMBER .2:

11-400 AFDC-FOSTER CARE RATES

11-400

*1 Chapter 11-400 of these regulations shall become effective January 1, 1983 and shall be applicable to the 1983/84 rate setting process, and subsequent years, and shall not apply to the 82/83 rate setting process outlined in Chapters 11-225 and 11-300.

*2.1 Definitions. The following definitions shall apply wherever the terms are used throughout Chapter 11-400:

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554.

(2) AMEND RENUMBERED HANDBOOK SECTION 11-400.1(f) TO READ:

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

.1 Definitions. (Continued)

(f) Group Home shall be defined in accordance with Section 45-101.1.

HANDBOOK

The term group home is defined in Section 45-101.1 as follows: Group Home means a nonsecure, privately operated a residential home of any capacity, including a private child care institution, that provides services in a group setting to children who in need of care and supervision, and which is licensed as a community care facility by the Department. See Section 42-503.3 for definition of private institution.

(3FM) ADOPT NEW HANDBOOK SECTION 11-400.1(1) AND RENUMBER
EXISTING DEFINITIONS (1) THROUGH (n) TO READ (m) THROUGH (o)
BY EDITORIAL CORRECTION:

11-400 AFDC-FOSTER CARE RATES

11-400

.1 Definitions (Continued)

(1) Reasonableness - Reasonableness shall be determined in
accordance with Welfare and Institutions Code Section
11462(b)(2).

†††(m)

†††(n)

†††(o)

Authority: Welfare and Institutions Code Sections 10553, 10554,
and 11209.

Reference: Welfare and Institutions Code Section 10554.

(4) AMEND HANDBOOK SECTION 11-401.41 TO READ:

11-401 FAMILY HOME RATES (Continued)

11-401

•4 Expiration Date (Continued)

- 41 Welfare and Institutions Code Section 11461(e) provides that Welfare and Institutions Code Section 11461 shall remain in effect only until December 31, 1983⁵ and as of that date is repealed unless a later enacted statute chaptered prior to that date extends or deletes that date.

(5FM) AMEND SECTION 11-402.131 TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.1 Rate Determination Process (Continued)

.13 Cost Reporting Period (Continued)

.131 Actual cost data shall be reported for the 12 months of the immediately preceding calendar year period, beginning January 1 and ending December 31 except as provided in (a), or (b), or (c) below:

(a) The provider meets the conditions specified in Section 11-402.5, Deviations From the Rate Setting Process.

(b) For the fiscal year 1983/84, the provider had an audited fiscal year which ended after January 1, 1982 and before July 1, 1982 and furnishes cost data from that date through December 31, 1982.

(b) The provider was unable to submit actual 1982 cost data, and has accumulated a minimum of six consecutive months of actual cost data for calendar year 1983. Providers that meet this condition, shall submit costs for each consecutive, full month for which costs are available ending December 31, 1983.

(c) For the fiscal year 1984/85, the provider shall be permitted to choose a 15-month cost period, beginning January 1, 1983, and ending March 31, 1984. If this option is chosen, the provider shall notify the Department, in writing, no later than July 1, 1984.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554, 11402.9, and 11462.

(6) AMEND SECTION 11-402.16 TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

•1 Rate Determination Process (Continued)

•16 Rate Ceilings

•161 For purposes of determining the fiscal year ~~1983/84~~ 1984/85 rate ceilings, the rate base shall be the ~~most county rate that is effective October 1, 1982,~~ established by the Department during fiscal year 1983/84, or adjusted by audit pursuant to Section 11-402.741(a)(1).

(a) Rates determined by county welfare departments during the fiscal year 1982/83 in accordance with Sections 11-301.2 and 11-302.2 [new providers and rate exceptions] shall be the rate base.

•162 The maximum rate for fiscal year ~~1983/84~~ 1984/85 shall be the lesser of:

(a) The rate determined by the reasonable and actual allowable costs for the cost reporting period, incorporating the actual cost adjustment as specified in (see Section 11-402.14 above).

(b) The fiscal year ~~1982/83~~ 1983/84 rate base, plus any special adjustment made in accordance with Section 11-402.141, and adjusted for the cost-of-living pursuant to welfare and institutions, Code Section 11-453, an amount determined by the Department based on the allocation for AFDC-FC group home rate increases included in the Budget Act for fiscal year 1984/85. Any such increase shall be distributed as follows:

(1) For group home rates at or below the fiscal year 1983/84 median rate per child as a flat dollar amount per rate.

(2) For group home rates above the median rate per child, as a percentage amount of the fiscal year 1983/84 rate, but not less than the amount specified in (1) above.

(3) The sum of the amounts distributed to all providers as in (1) and (2) above shall not exceed the amount described in (b) above.

*163 Rates for providers receiving non-cost based scheduled rates during the fiscal year 1982/83 shall be determined in accordance with *162(a) above and shall be exempt from *162(b) above [see Section 11-402*551(a)(1)]*

*164 In situations where the host county has not set a rate, the rate base shall be the rate paid by the county that has placed the most children with the provider during the cost reporting period.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11460, 11462, and 10554.

(7 FM) AMEND SECTIONS 11-402.211(d) AND (e) AND ADOPT 11-402.211(f) TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

•2 Allowable Costs (Continued)

•21 (Continued)

•211 (Continued)

- (d) Reasonable, actual principal and interest on original acquisition mortgages.
 - (1) If the original acquisition mortgages are refinanced, the lesser of the following shall be allowed:
 - (A) The amount of interest associated with the original acquisition loan amounts, or
 - (B) The amount of interest associated with the remaining principals.
- (e) The reasonable, actual lease or rental costs incurred for leasebacks of real property, as if the provider continued to own the buildings
 - (1) Such costs shall include but not be limited to the equivalent use allowance, taxes, insurance and original acquisition mortgage interests.
- (f) The reasonable cost incurred for vehicle and equipment leasebacks as if owned by the provider as described in Section 11-402.321.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554, 11462 and 45 CFR 74.174.

(8 FM) ADOPT NEW SECTION 11-402.213 TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

•2 Allowable Costs (Continued)

•21 (Continued)

•213 Shelter costs shall not be considered reasonable in excess of the percent of fair market value limit as described below:

(a) Reimbursement of shelter costs shall not exceed 12 percent of the fair market value of owned, leased and rented buildings, exclusive of idle capacity and capacity used for nongroup home programs and activities.

(1) Fair market value shall be determined by either of the following methods as chosen by the provider:

(A) The market value shown on the last tax bill for the cost reporting period;

(B) The market value determined by an independent appraisal. The appraisal must be performed by a qualified, professional appraiser who, at a minimum, meets standards for Class III appraisers as specified in Title 10, California Administrative Code, Subchapter 2, and shall not be deemed independent if performed under a less-than-arms-length agreement or by a person or persons employed by, under contract with for purposes other than performing appraisals, or having a material interest in any group home which receives AFDC-FC funds. The Department shall have the authority to determine that any appraisal does not meet the standard specified herein.

(2) Shelter costs for the purpose of the limit specified in Section •213 shall be the following:

- (A) Original mortgage principal and interest, for owned property;
- (B) Use allowance on buildings for which no original mortgage principal or interest is claimed, for owned property;
- (C) Actual lease or rental costs, regardless of the party from whom the property is leased or rented, for leased or rented property;
- (D) Use allowance for capital improvements, for both owned and leased or rented property;
- (E) Taxes, for both owned and leased or rented property; and
- (F) Insurance, for both owned and leased or rented property; and
- (G) The costs of independent appraisals, for both owned and leased or rented property.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11462 and 10554; and Title 10, California Administrative Code, Subchapter 2, Sections 121-126.

(9 FM) ADOPT NEW SECTION 11-402.239 TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

•2 Allowable Costs (Continued)

- 23 Costs that are not allowable shall include but not be limited to the following: (Continued)

•239 The cost of more than one appraisal per year per facility, the cost of an appraisal performed by an appraiser deemed by the Department not to be a qualified, professional appraiser meeting the standard specified in Section 11-402.213(a)(1)(B), and the cost of appraisals performed under a less-than-arms-length agreement or by a person or persons employed by, under contract with for purposes other than performing appraisals, or having a material interest in any group home which receives AFDC-FC funds.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11462.

(10) AMEND SECTION 11-402.323 TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

•3 Accounting Requirments (Continued)

•32 Depreciation/Use Allowance (Continued)

•323 Use allowance shall be applied to the acquisition cost of buildings for which no original mortgage principal and interest is paid and improvements.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 11462.

(11) REPEAL SECTION 11-402.341(a)(4) and renumber (5) to (4):

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.3 Accounting Requirments (Continued)

.34 Cost Allocation Process (Continued)

.341 (Continued)

(a) (Continued)

~~(4)~~ Number of items in each cost group

~~(5)~~ (4)

Authority: Welfare and Institutions Code Sections 10553, 10554,
and 11209.

Reference: Welfare and Institutions Code Section 10554.

(12) ADOPT NEW SECTION 11-402.411(b) TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

•4 Rate Request Process (Continued)

•41 Rate Request Submission (Continued)

•411 (Continued)

(b) Both the actual lease or rental costs, and the original acquisition mortgages' principal and interest costs which would have been incurred if the property were owned by the provider, shall be reported for leasebacks of real property.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11462 and 11402.9.

(13 FM) AMEND SECTION 11-402.413(a) TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

•4 Rate Request Process (Continued)

•41 Rate Request Submission (Continued)

•413 A complete rate request is due April 1 of each year.

(a) For the fiscal year ~~1983/84~~ 1984/85, rate setting period, a complete rate request is due ~~July 1, 1983~~ providers who choose a 15-month cost period as specified in Section 11-402.131(c), must submit a complete rate request by August 1, 1984.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11462.

(14 FM) AMEND SECTION 11-402.414 TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

•4 Rate Request Process (Continued)

•41 Rate Request Submission (Continued)

- 414 A rate request shall not be accepted from an existing provider after July 1 of each year. Providers who do not submit a rate request by July 1 shall not have a rate set for the new fiscal year and shall not receive AFDC-FC funds after September 1.

(ba) For the fiscal year ~~1983/84~~ 1984/85 rate setting period, providers who choose a 15-month cost period, as specified in Section 11-402.131(c), who do not submit a rate request by ~~October 1, 1983~~ November 1, 1984, shall not have a rate set for the new fiscal year and shall not receive AFDC-FC funds after ~~December 1~~ January 1, 1985.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554, 11462 and 11402.9.

(15) AMEND SECTIONS 11-402.431 AND 11-402.431(a) TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

•4 Rate Request Process (Continued)

•43 Certified Public Accountant (CPA) Requirements (Continued)

•431 Those providers that were required to obtain Certified Public Accountant (CPA) audits for their fiscal year ~~1980/81~~ or ~~1981/82~~ 1982/83 shall be required to obtain a CPA audit for the fiscal year ~~1982/83~~ 1983/84.

(a) A copy of the most recent CPA audit shall be submitted along with the rate request, or within three months from the close of the provider's fiscal year.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554, 11462 and 11402.9.

(16) AMEND SECTIONS 11-402.541(a) THROUGH (a)(2) TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.5 Deviations from the Rate Setting Process (Continued)

.54 County Established New Providers and New Programs
(Continued)

.541 (Continued)

(a) The initial rate shall remain in effect until the first actual cost rate is set in accordance with Section 11-402.514, except as provided below:

(1) The first actual cost rate request shall not be due prior to July 1, 1983.

(2) The first actual cost rate shall not be effective prior to July 1, 1983.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11462.

(17) REPEAL EXISTING SECTIONS 11-402.551 THROUGH .552(a); AMEND SECTION 11-402.55 AND ADOPT NEW SECTIONS 11-402.551 THROUGH .552 TO READ:

11-402 GROUP HOME RATE SETTING (Continued)
11-402
5 Deviations from the Rate Setting Process (Continued)
55 Providers Unable to Submit Cost Data for Fiscal Year 1983/84

551 The following providers shall be permitted to receive their fiscal year 1982/83 rate adjusted for cost-of-living pursuant to Section 11-402.62 effective July 1, 1983:

(a) Non-cost based scheduled rate providers who are unable to provide required cost data even though their programs have been in operation long enough to have a cost history:

(i) A non-cost based scheduled rate provider is one whose entire fiscal year 1982/83 rate has been historically set by use of a county schedule which does not consider any costs specific to that particular provider

(b) Group homes licensed for six or fewer unincorporated and licensee occupied who are unable to provide cost data even though their programs have been in operation long enough to have a cost history:

552 Providers who meet the definition in 551(a) or (b) above who are unable to submit required cost data shall provide justification to that effect to the Department

(a) Providers unable to furnish the justification requested in 552 shall be subject to the rate request process specified in 11-402.44

551 Providers who are unable to submit the required cost data, and do not meet the requirements of 11-402.131(b), shall provide justification to that effect to the Department.

(a) Providers unable to furnish the justification required in .551, shall be subject to the rate request process specified in 11-402.4.

.552 Providers who are determined by the Department to be unable to submit cost data for the current rate-setting period shall continue to receive the rate(s) in existence until the following fiscal year.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11462.

(18) AMEND SECTION 11-402.74 AND ADOPT NEW .741 THROUGH .743 TO
READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.7 State Audit Requirements (Continued)

.74 If an audit exception is identified, the current AF86-F6 rate shall be adjusted to reflect the correct level of reimbursement for the remaining rate periods sustained, the Department shall apply audit application methods including, but not limited to, the following:

.741 Adjustment of rate.

(a) Adjusted rates become the rate base as specified in Section 11-402.161.

.742 Cash payment.

.743 Claim offset.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11462.

(19) AMEND SECTIONS 11-402.76 THROUGH .761 TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.7 State Audit Requirements (Continued)

.76 Providers who are dissatisfied with the decision shall be permitted to request a hearing with the Director or the Director's designee in accordance with the procedures in Section 25-250.3.

~~.761~~ The Department shall specify the manner and time frames of the hearing

.761 For the purposes of this section "group home provider" shall be substituted wherever "county" is used in Section 25-250.3.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11462.

(20) AMEND SECTION 11-402.821(b)(2) TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.8 Overpayments (Continued)

.82 (Continued)

.821 (Continued)

(b) (Continued)

(2) For the fiscal year ~~1983/84~~ 1984/85 rate setting period, ~~only~~ Department delay in setting rates shall not be considered an overpayment pursuant to .821(b)(1) above.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11462.

(21FM) AMEND SECTIONS 11-403.1 AND .2 TO READ:

11-403 HOMEFINDING AGENCY RATES

11-403

- .1 The Department shall set rates for homefinding agencies for the fiscal year ~~1983/84~~ 1984/85 based on the homefinding agency's July 1, ~~1982~~ 1983 rate plus the percentage cost-of-living increase granted other Aid to Families with Dependent Children (AFDC) recipients in accordance with Welfare and Institutions Code Section 11453.
- .2 Homefinding agencies shall submit rate request documentation as requested by the Department by July 1, ~~1983~~ 1984.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11463.

(22) REPEAL SECTION 11-404:

11-404 LARGE FAMILY HOME RATES

11-404

*1 Counties shall set rates for large family homes for the fiscal year 1983/84 based on the large family home's July 1, 1982 rate plus the percentage cost-of-living increase granted other AFDC recipients in accordance with Welfare and Institutions Code Section 11453.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Section 10554.

(23) AMEND SECTION 11-406.15 TO READ:

11-406 RESPONSIBILITIES OF COUNTY WELFARE DEPARTMENTS

11-406

.1 (Continued)

- .15 Submitting to the Department verification of all rates in effect from July 1, 1982 through June 30, 1983 rate payment information for each fiscal year beginning with fiscal year 1983/84, for family homes, homefinding agencies, and group homes.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11460.

(24 FM) AMEND SECTION 11-402.514(g) TO READ:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.5 Deviations from the Rate Setting Process (Continued)

.51 New Providers (Continued)

.514 The following shall apply to the first actual cost rates:

(g) The first actual cost rate shall be set in accordance with the requirements of Sections ~~11-402.1 through 11-402.3~~ .11 through .15, .2, and .3 and shall remain in effect until the second actual cost rate is set.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11462.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #383-20c

840529-2

MAY 29 2 05 PM '84

ADMINISTRATIVE LAW

STAMPED

RECEIVED

JUN 26 1984

OFFICE OF ADMINISTRATIVE LAW

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED, AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY:

Linda S. McManis

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

JUN 27 1984

At 4:22 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Margaret Hershberger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Rick Torres, Regulations Analyst

TELEPHONE 5-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 63-504.355, .355(a), and .355(b)

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☒ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

February 10, 1984

b. DATE OF ADOPTION OF REGULATION(S)

May 24, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

April 18, 1984-May 4, 1984

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

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Part 8. Check appropriate box. This information is for statistical purposes.

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- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
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- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

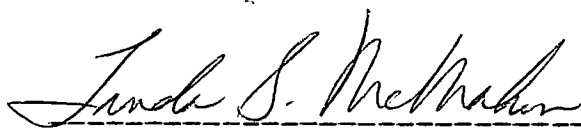
The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on January 30, 1984, and which became effective on February 1, 1984.

Manual of Policy and Procedures, Division 63, Chapters 039, 503, and 504, Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
63-504.2 ⁶ 4	63-039	63-503.232(d)(2)
63-504.322		
63-504.324		
63-504.34		
63-504.355		

These regulations were presented at public hearing on March 28, 1984. As a result of the public hearing the following sections have been changed.

Amended
63-504.355



LINDA S. McMAHON
Director

5/24/84
Date

FINAL STATEMENT OF REASONS

Monthly Reporting/Retrospective Budgeting
(Incomplete Monthly Eligibility Report - CA 7)a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

The general purpose of these regulations is to provide the county welfare departments (CWDs) with guidelines on determining the completeness of the Monthly Eligibility Report (CA 7) which recipients are required to complete on a monthly basis as a condition of continuing participation in the Food Stamp Program. Furthermore, areas of confusion will be eliminated in determining the completeness of a CA 7. The regulations will eliminate provisions requiring residency in a fixed location, and counting as income the amount of benefits that is being withheld from recipients requiring prior overpayments from assistance programs. These regulations will allow households at least 30 days in which to report a new member without being terminated from the Food Stamp Program.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Implementation of these provisions is to establish uniform procedures for handling deductions which will assist in the reduction of household reporting errors. The United States Department of Agriculture's Food Nutrition Service (FNS) has approved a waiver request allowing for the use of such procedures. A description of each section being amended follows:

Section 63-039 mandates county welfare departments (CWDs) to implement the provisions contained within this emergency Monthly Reporting/Retrospective Budgeting filing.

Section 63-503.232(d)(2) was repealed to correct a conflict in regulations which existed since this section was implemented on January 1, 1984. Current state regulations Sections 63-502.141 and 63-502.2(a) as well as federal regulation 7 CFR 273.9(b) prohibited the CWD from counting as income the amount of benefits that was being withheld from a recipient in order to recover prior overpayments from assistance programs. On the contrary, Section 63-503.232(d)(2) required the CWD to count as benefits any amount of income from any source that is

used to repay any prior overpayments. The use of this section would have resulted in the incorrect termination of many households. Additionally, counties had expressed concern that this section was extremely confusing and could have been misinterpreted, adversely affecting recipients.

Section 63-504.264, as a result of a federal waiver approval, will require the CWD to notify a household when a CA 7 is received that is missing information on a deduction. When used in conjunction with proposed Sections 63-504.324 and 504.34, the CWD must consider a CA 7 complete if items pertaining only to deductions remain unanswered. Currently the CWD must consider a CA 7 incomplete if it is missing information on a deduction. When a CA 7 is considered incomplete the household may be subject to termination. The Department has determined that rendering a CA 7 incomplete due to a household's failure to report information on a deduction is unnecessarily punitive to recipients since the lack of information on deductions would not necessarily affect a household's eligibility, but only their benefit level.

Section 63-504.322 will require the CWD to consider a CA 7 complete if a household cannot provide an address on the monthly report due to the fact that it does not reside in a fixed location. Current regulations require the CWD to render a CA 7 incomplete if it does not contain the household's address. This is inconsistent with that which is required by current state regulations (Section 63-401) and federal regulations (7 CFR 273.3). Counties have reported verbally that as currently written, the regulations are vague and subject to possible misinterpretation.

Sections 63-504.324 and 504.34, as a result of a federal waiver approval, will require the CWD to consider as complete a CA 7 that has all factors of eligibility answered and/or verified. Existing regulations require that all questions on the CA 7 concerning eligibility and benefit level be answered and/or verified in order for the report to be considered complete. The Department has concluded that the policy contained in existing regulation Section 63-504.324 is unnecessarily punitive to recipients due to the fact that many recipients will be terminated from the Food Stamp Program for failing to provide information/verification on a deduction. When used in conjunction with Sections 63-504.264 and 504.34, these provisions require the CWD to consider only factors of eligibility in determining CA 7 completeness.

Section 63-504.355 now provides that when a household adds a new member, the second CA 7 submitted after the change in household circumstances occurred must contain sufficient

information for the CWD to accurately determine the household's continuing eligibility and benefit level. This provision will provide the CWD with clarification on actions to take when a new member is added to the food stamp household by requiring the household report the new member's information on the second CA 7. Additionally, this provision will provide the household with a sufficient period of time to submit information on the new member and will prevent the CWD from terminating the household without allowing at least 30 days to submit the new member's information.

c) Identification of Documents Upon Which Department is Relying

Memorandum dated October 24, 1983 to Linda S. McMahon, Director, State Department of Social Services from Carol M. Fahey, Director, FNS (Western Region); 7 CFR 273.3 and 7 CFR 273.9(b)(4); and Welfare and Institutions Code Sections 18901 and 18904.

d) Testimony Summary and Response

These regulations were heard at a public hearing on March 28, 1984. There was no oral testimony given at the hearing. Written responses were received from the United States Department of Agriculture's Food Nutrition Service (USDA/FNS), and the counties of Los Angeles, Orange, and Riverside. A sequential list of the comments received and responses to those comments follow.

Section 63-039: Orange County commented that although it agreed with the majority of the provisions contained in ORD #383-20c, it was not provided with an opportunity to comment on the provisions prior to implementation.

Response: Government Code Section 11346.1 of the Administrative Procedures Act provides the Department with the authority to implement regulations on an emergency basis as long as the public is afforded the opportunity to provide comments once the regulations are implemented. This is the legal operating procedure for implementing regulations on an emergency basis.

Section 63-504.264: FNS commented that with the addition of the word "information", it was not clear that verification of a deduction was required before it could be allowed. Los Angeles County also commented that they would recommend that the regulations include a requirement that a blank CA 7 be sent with the Notice of Change (DFA 377.4) when information is missing.

Response: The purpose of this regulation was to clarify the intent of the federal waiver received. This waiver allows the CWDs to consider a monthly report complete even though information regarding deductions is missing. This ensures that the household will not be terminated because verification/information has not been provided. However, a deduction will not be allowed unless it has been verified as specified in Section 63-504.34. In addition, in order to provide the CWDs with maximum flexibility the Department will not require counties to send a blank CA 7 with the notices of action; however, instructions to counties have recommended either use of a blank CA 7 or a photocopy of the original with the missing items circled.

Section 63-504.322: Los Angeles and Riverside counties expressed concern in their comments that this change would subject the program to potential abuse by not requiring the household to report where they are living or provide information to locate the household.

Response: The purpose of this change was to clarify the intent of the current regulation and avoid possible misinterpretation. The change was made to specify that the CA 7 could not be considered incomplete if a fixed address was not provided. However, the household is still required to provide a new address or information necessary to locate the household if there has been a change in residence or location. Therefore, no change is necessary.

Section 63-504.34: Orange County commented that the manual section and heading were omitted.

Response: Contrary to Orange County's assertion that the heading was omitted; the heading was properly inserted in the previous page.

Section 63-504.355: FNS and Orange County commented that this section resulted in lengthy delays in adding a new household member and therefore conflicts with the maximum application processing time of 30 days. Further, Orange County suggested that the CWD might never be able to meet the 30-day processing standard by using this provision. Los Angeles County also suggested that this section be changed to require that the information regarding the new member be included on the CA 7 following the reporting date and requested clarification of the term "necessary information."

Response: The regulations are being revised to state that all necessary information/verification to determine eligibility must appear and be verified on the CA 7 for the budget month

in which the change was reported. This eliminates the possibility of lengthy delays in adding household members by requiring the CWD to take appropriate action on the CA 7 following the date of report. This also corrects the conflict in regulations that FNS and both counties commented on. The following example illustrates this new process.

Example: The household reports a new member on April 15. The CA 7 for the budget month (April) is submitted in May and must contain the new member's and the household's information/verification. If all the necessary information to add the new member is not received by May 11 as required by Section 63-504.33, the CWD would send a NA 960Y proposing to terminate the household effective June 1. If all information is received within 30 days as required by Section 63-504.353 (May 15), the new member would be added effective May 1 (the first of the month following date of report). If the information is not received within 30 days, but before the extended filing date, the new member would be added effective June 1. If information is not received, the household would be terminated without further notice.

In addition, to make the regulation more specific and to provide clarification of the terms "necessary information" and "determinations," references to Sections 63-300.5 and 63-504.32 and the additional wording "of eligibility and benefit level for the household and new member(s)" were also added.

This section has also been reorganized and renumbered to distinguish between actions taken based on either the household's refusal or failure to provide the necessary information.

e) Local Mandate Statement

These proposed amendments do impose a mandate on local governments, but not on local school districts. There are no costs associated with these regulations which require reimbursement under Section 2231 of the Revenue and Taxation Code because these regulations will have no fiscal impact on any unit of local government.

f) Statement of Potential Cost Impact on Public Agencies, Private Persons, or Entities Directly Affected

The Department of Social Services finds that the adoption of these regulations will result in no cost impact on public agencies, private persons, or entities directly affected.

g) Small Business Impact Statement

There is no impact on small businesses due to the filing of these regulations.

h) 15-Day Renotice Statement

A 15-day renotice has been published and the text of any changes made available to the public on April 18, 1984 pursuant to the provisions of Section 11346.5(a)(11) of the Government Code.

UPDATED INFORMATIVE DIGEST

Prior regulations were inconsistent with a federal waiver approval as to the procedure to follow when households do not fully complete the Monthly Eligibility Report (CA 7) with respect to the reporting of deductible expenses. Any missing information could have caused a household to be determined ineligible.

These emergency regulations now permit county welfare departments (CWDs) to consider a monthly report complete even though information regarding deductible expenses is missing. If a deductible expense is not reported at all, or if verification of the expense is lacking, CWDs will still provide the household with a reminder notice to submit the required information. If the information is not submitted by the extended filing date, the household will not be terminated (if otherwise eligible), but will continue receiving benefits without being credited with the deduction. These regulations address a specific income determining section which used to count as income, benefits which were being withheld as overpayments from assistance programs and which conflicted with other state and federal regulations, and which if not repealed would have been unnecessarily punitive to recipients.

In addition a prior regulation requiring residency in a fixed location for a CA 7 to be considered complete was inconsistent with state and federal regulations and was amended to instruct CWDs to consider a CA 7 complete even if an address is not available or appropriate.

Finally, prior regulations allowed termination of a household if a new member was added to the household and not reported on the next CA 7. The emergency amendments require households to report necessary information on a new member on the CA 7 for the budget month in which the change was reported. This allows the household at least 30 days in which to report the new member's information and prevents termination from the Food Stamp Program by the CWD. To clarify the terms "necessary information" and "determinations" the additional wording "of eligibility and benefit level for the household and new members(s)" has been added as well as references to Sections 63-300.5 and 504.32. An implementation order mandating CWDs to implement these regulations on February 1, 1984 was also included.

COST ESTIMATE: None

1. Costs and Savings to State Agencies: None

2. Costs and Savings to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT: These proposed amendments do impose a mandate on local governments, but not on local school districts. There are no costs associated with these regulations which require reimbursement under Section 2231 of the Revenue and Taxation Code because these regulations will have no fiscal impact on any unit of local government.

STATEMENT OF POTENTIAL COST IMPACT ON PUBLIC AGENCIES, PRIVATE PERSONS, OR ENTITIES DIRECTLY AFFECTED: The Department of Social Services finds that the adoption of these regulations will result in no cost impact on public agencies, private persons, or entities directly affected.

SMALL BUSINESS IMPACT STATEMENT: There is no impact, whatsoever, on small businesses due to the filing of these regulations.

AUTHORITY AND REFERENCE CITATIONS: These regulations are proposed for adoption under the authority granted in Welfare and Institutions Code Sections 10553 and 18904. Subject regulations implement, interpret and make specific Welfare and Institutions Code Sections 18901 and 18904; 7 CFR 273.3 and 7 CFR 273.9(b)(4); and a memorandum dated October 24, 1983 to Linda S. McMahon, Director, SDSS from Carol M. Fahey, Director, FNS (Western Region).

EMERGENCY STATEMENT: These regulations were implemented on an emergency basis for the immediate preservation of the public health, peace and safety or general welfare within the meaning of Section 11346.1 of the Government Code.

63-039 IMPLEMENTATION OF MONTHLY REPORTING AND RETROSPECTIVE 63-039
BUDGETING (INCOMPLETE MONTHLY ELIGIBILITY REPORT - CA 7)

Effective February 1, 1984, county welfare departments (CWDs) shall implement the provisions of Monthly Reporting and Retrospective Budgeting (Incomplete Monthly Eligibility Report - CA 7) for all new applicants and currently certified households.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901.

•2 Determining Resources, Income and Deductions (Continued)

•23 Households Subject to Retrospective Budgeting After the
Beginning Months (Continued)

•232 Retrospective Budgeting (Continued)

(d) Discontinued Income

Any income that a household received in a beginning month from a source that no longer provides income to the household in the corresponding retrospectively budget month shall be disregarded when computing benefits for the issuance month, except as specified in Section 63-503.232(d)(1). The CWD shall not disregard income which has been discontinued for the following reason:

- (1) Income has been discontinued due to participation in a strike or quitting a job unless good cause has been determined in accordance with Section 63-408.3.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR 273.9(b)(4).

•2 Notices of Action (Continued)

•26 Notice of Change (DFA 377.4) (Continued)

•264 Notice of Proposed Change in Benefits (DFA 377.4)

The CWD shall provide a notice of proposed change in benefits to a monthly reporting household that fails to submit verification/information of a deduction with a CA 7 that is otherwise complete as specified in Section 63-504.32, or submits a CA 7 that contains questionable information as defined in Section 63-300.53. The CWD shall send the DFA 377.4 to the household no later than 10 days before the end of the report month and give the household until the extended filing date to provide the missing verification/information.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 18901 and Memorandum dated October 24, 1983 to Linda S. McMahon, Director, SDSS from Carol M. Fahey, Director FNS (Western Region).

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

•3 Monthly Reporting (Continued)

•32 Complete CA 7 (Continued)

- 322 The CA 7 provides the CWD with address (location) information sufficient to locate the household, however, households which do not have a fixed address shall not have their CA 7s rendered incomplete solely for this reason;

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR 273.3.

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

•3 Monthly Reporting (Continued)

•32 Complete CA 7 (Continued)

- 324 All questions and items pertaining to food stamp eligibility are fully answered and provide the CWD with the information to correctly determine eligibility and benefit level.

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

•3 Monthly Reporting (Continued)

- 34 CWD Action on a Complete CA 7 Requiring Additional Verification/Information

The CWD shall require households to submit with the CA 7, verification/information of the items listed in Section 63-504.341. If the household submits the CA 7 by the date

the CWD mails the NA 960, but fails to provide the required verification/information with the CA 7, the CWD shall notify the household (DFA 377.4) of the need to submit the missing verification/information by the extended filing date. The CWD shall not delay the benefits of a household submitting a complete CA 7 that is missing verification/information of a deduction. If the household fails to provide the missing verification/information, other than income verification/information, by the extended filing date, the CWD shall not consider the CA 7 incomplete, but shall instead disallow any deductions for which the household has not provided verification/information, except those items specified in Sections 63-504.341(g) and (h), which shall be handled in accordance with Section 63-504.342.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 18901 and Memorandum dated October 24, 1983 to Linda S. McMahon, Director, SDSS from Carol M. Fahey, Director FNS (Western Region).

Amend Section 63-504.355 as shown:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

•3 Monthly Reporting (Continued)

•35 Action on Reported Information (Continued)

•355 The household shall provide, as required by the EWB, Sections 63-300.51 and 504.32, information necessary to complete the determinations of eligibility and benefit levels for the household and the new member(s), as provided in Sections 63-504.353 and .354.

(a) If the household refuses to provide such the necessary information, it shall be terminated in accordance with Section 63-505.1.

(b) The household shall be terminated in accordance with Section 63-504.361(b). If it the household fails to provide the necessary information regarding the new member on the CA 7 submitted after the CA 7 on which the household was required to report the addition of the new member as provided in 63-504.31 for the budget month in which the change was reported, the CA 7 is incomplete and the household shall be terminated in accordance with Section 63-504.361(b).

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901 and 18904.

FACE SHEET

(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #0684-28

RECEIVED FOR FILING

JUN 28 1 59 PM '84

ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
JUN 29 1984
Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

JUN 29 1984

At 4:32 o'clock P.M.

MARCH FONG EU, Secretary of State

By:

Mayorie Herzhberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP Sections 44-101.523 - .526 and .535; 44-113.10; 44-207.211(d)

SECTIONS ADOPTED

MPP Section 44-111.21; 44-111.3(c)

SECTIONS REPEALED

MPP Section 44-111.3(c)

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☒ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF ADOPTION OF REGULATION(S)

June 26, 1984

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on July 1, 1984 (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

☒ Finding of Emergency attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

FINDING OF EMERGENCY

These regulations are being adopted on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare within the meaning of Government Code Section 11346.1.

The following facts demonstrate the need for immediate action:

1. The Job Training Partnership Act of 1982 (JTPA) became effective on October 13, 1982. The JTPA replaced the Comprehensive Employment and Training Act (CETA) on October 1, 1983 with a new program and delivery system to train economically disadvantaged persons and others for permanent, private sector employment. Two of the programs under CETA, Job Corps (Title II, Part B) and the Summer Youth Employment and Training Program (Title II, Part B) were incorporated into the JTPA. The Summer Youth Employment and Training Program (Summer Youth Program) is a major potential source of summer employment for children who receive AFDC.
2. Federal law provides that the state agency may disregard the income of any dependent child applying for or receiving AFDC which is derived from a program carried out under the JTPA, but only in such amounts and for such period of time as prescribed in regulations (Section 402(a)(8)(A) of the Social Security Act and 42 USC 602(a)(8)(A)(v)). Interim federal regulations, effective July 15, 1983, which implement the JTPA of 1982, permit states flexibility in counting or disregarding a child's income derived from JTPA participation.
3. Current departmental regulations do not address the treatment of income derived from programs carried out under the JTPA and without specific regulatory direction the counties must count all JTPA income against the AFDC grant and the 150 percent income limit for eligibility. Thus, if income derived from participation in the JTPA is not disregarded, in some families AFDC benefits will be reduced and in other instances families will become ineligible. To prevent this negative impact on AFDC applicants/recipients and their families, the Department recently made a policy decision to implement the option to disregard the earnings of a child participating in JTPA for up to six months per calendar year and to disregard income, other than earnings, without any limitation on time. Federal regulations do not extend the option to the states to disregard an adult's earnings which are derived from JTPA

programs. Therefore, the difference in the treatment of a child's and an adult's income derived from participation in JTPA programs (including the Summer Youth Program) must be clarified in the regulations to prevent confusion in the implementation of the disregard of a child's income.

4. Since the current departmental regulations do not address the treatment of income derived from JTPA programs and JTPA is already in existence, numerous requests have been made to the Department for regulatory direction from counties and for assistance from outside agencies operating the 1984 Summer Youth Program. In addition, the Department has received correspondence from members of the Legislature informing the Department of their support for the policy to disregard a child's income derived from participation in the JTPA and their intention to monitor the issue. Governor Deukmejian responded to inquiries from various outside agencies stating the administration has directed the Department of Social Services and the Department of Employment Development not to include JTPA payments when determining a family's eligibility for AFDC and in computing the amount of benefits. It was further stated that the administration strongly supports the Summer Youth Program and does not want to impose barriers to the participation of the youth in these programs.
5. Failure to promptly issue regulations to implement the treatment of income for children participating in the JTPA would virtually penalize the applicant/recipient for trying to gain the appropriate work experience necessary to place them in a self-supporting role because JTPA income must be counted without appropriate regulations in place.
6. Failure to promptly issue regulations will result in a disincentive for AFDC youth to participate in the JTPA program and impose a barrier to the participation of youth in the Summer Youth Program. It also will result in a disincentive for some Service Delivery Areas (SDA) to enroll AFDC youth because of the potential for increased SDA costs resulting from efforts to make up for benefit payments lost to AFDC youth; and the desire on the part of the local SDA not to endanger the AFDC benefits of the family of the youth.
7. In view of the imminent start of the Summer Youth Program for the summer of 1984, it is necessary that departmental regulations be in place as soon as possible so that the JTPA income disregards can be implemented for the 1984 summer program. The regulation adoption process as set forth in Government Code Section 11346, et seq. is sufficiently lengthy that it would not be possible to adopt the regulations necessary in time for the 1984 summer program. Accordingly, it is necessary that these regulations be adopted on an emergency basis.

(1) Amend MPP Section 44-101.523 through .526 inclusive, and 44-101.535 to read:

44-101 INCOME DEFINITIONS (Continued)

44-101

.5 Earned Income (Continued)

.52 Earned income also includes: (Continued)

.523 Earnings under Title 1 of the Elementary and Secondary Education Act, and wages paid under the EEFA Act, Job Training Partnership Act (JTPA), except payments under EEFA, Title IV, Part A. (See Section 44-111.3c 44-111.21 for disregard applicable to JTPA earned income of a child.)

.524 Payments under the Economic Opportunity Act, including payments to beneficiaries of assistance under the Act, through such programs as the Job Corps, the Neighborhood Youth Corps, New Careers and Concentrated Employment.

.525 Training incentive payments and work allowances under ongoing manpower programs, other than WIN and EEFA JTPA.

.526 Earnings from On-the-Job Training (OJT or WIN/COD) and earnings from Public Service Employment (such as EEFA/PSE) other than Public Service Employment under the WIN program (WIN/PSE).

.53 Earned income does not include: (Continued) employment (for example, pensions and benefits, such as veterans benefits).

.535 The training allowances paid to a recipient participants in EEFA JTPA programs. The expense allowance portion paid to an adult JTPA participant is applied against the actual expenses of training in determining net income. The incentive allowance portion is exempt to the extent provided in Section 44-111.3c. Only the amount that exceeds the expenses is counted as income.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008; Public Law 97-300, Title I, Section 184(a)(1); Section 402(a)(8)(A) of the Social Security Act; 42 USC 602(a)(8)(A)(v); 45 CFR 233.20(a)(3)(vii).

(2) Adopt MPP Section 44-111.21 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION
AS INCOME (Continued)

44-111

•2 Exemption of Earned Income - AFDE

•21 Repealed by Manual Letter No. 81-65 (11-10-81). Job Training Partnership Act (JTPA) - Earned Income of a Child

•211 All earnings of a child (see Section 42-101 for age requirement) which are derived from participation in JTPA programs shall be disregarded from consideration as income for both eligibility and grant determinations for up to six months per calendar year. This disregard also applies when determining the 150 percent income limit for eligibility (see Section 44-207).

•212 When the six-month disregard has expired and the child is a student, his/her earnings from JTPA shall be disregarded pursuant to 44-111.22.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008; Section 402(a)(8)(A) of the Social Security Act; 42 USC 602(a)(8)(A)(v); 45 CFR 233.20(a)(11)(ii)(A); 45 CFR 233.20(a)(11)(v).

(3) Repeal existing and adopt new MPP Section 44-111.3(c) to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION
AS INCOME (Continued)

44-111

.3 Exemption of Payments from Public Sources (Continued)

e. Comprehensive Employment and Training Act

- (1) Up to \$30 per week of the incentive allowances made to trainees under the Comprehensive Employment and Training Act for classroom training services, such as but not limited to counseling, job development, job search assistance, transportation, and child care or other activities, as these terms are defined in the EETA Program, are exempt. This exemption applies to any EETA trainee whose needs or income are taken into account in determining the amount of public assistance payments to himself or others. This exemption does not apply to wages or other training allowances under the Act.
- (2) Payments received under Part A - Youth Demonstration Programs of Title IV of the Comprehensive Employment and Training Act of 1978:
 - (a) The Youth Incentive Entitlement Pilot Projects.
 - (b) The Youth Community Conservation and Improvement Projects.
 - (c) The Youth Employment and Training Programs.

(c) Job Training Partnership Act (JTPA)

- (1) Payments, other than earnings, to a child (see Section 42-101 for age requirement) which are derived from participation in JTPA programs shall be disregarded as income for both eligibility (including the 150 percent income limit) and grant determinations. There is no time limit for this

disregard. This disregard does not apply to earnings paid under the Act (see Section 44-111.21).

- (2) Payments to an adult which are derived from participation in JTPA programs shall be exempt as income to the extent the payment reimbursements do not exceed actual expenses. This exemption does not apply to earnings paid under the Act.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008; Public Law 97-300, Title I, Section 184(a)(1); Section 402(a)(8)(A) of the Social Security Act; 42 USC 602(a)(8)(v); 45 CFR 233.20(a)(3)(xvii); 45 CFR 233.20(a)(11)(v).

(4) Amend MPP Section 44-113.10 to read:

44-113 NET INCOME (Continued)

44-113

.1 Property (Continued)

.10 Income From Public Service Employment (PSE)

- .101 Net income from WIN/PSE is the amount remaining after the deduction of work-related expenses and dependent care found under Section 44-113.2. The Earned Income Exemptions found under Section 44-111.23 do not apply to WIN/PSE income.
- .102 Income from PSE under a program other than WIN (such as EETA/PSE) is treated as regular employment earnings (see Section 44-113.21) and the earned income exemption is allowed.
- .103 Individuals in suspense from WIN to another PSE program (such as in suspense from WIN to EETA/PSE) are not considered to be in WIN/PSE.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10553, Public Law 97-300, Title I, Section 184(a)(1).

(5) Amend MPP Section 44-207.211(d) to read:

44-207 INCOME ELIGIBILITY (Continued)

44-207

.2 150 Percent Income Limit for Eligibility (Continued)

.21 Description of 150 percent income limit (Continued)

.211 After application of the appropriate exemptions and exclusions not otherwise precluded by this section, income considered in the 150 percent income limit is the total of gross income as defined in Chapter 44-100. For purpose of the 150 percent income limit, the following exceptions shall apply: (Continued)

(d) The gross earnings of children who are students shall be included if these children are included in the FBU. See Section 44-111.22. A child's earnings derived from participation in JTPA programs shall be disregarded for up to six months per calendar year (see Section 44-111.21). Income, other than earnings, of a child derived from participating in JTPA is totally disregarded with no limitation on time (see Section 44-111.3c).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008; Section 402(a)(8)(A) of the Social Security Act; 42 USC 602(a)(8)(v); 45 CFR 233.20(a)(11)(i)(A); 45 CFR 233.20(a)(11)(ii)(A).